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MARCH 1, 1995

OLYMPIA, WASHINGTON

ISSUE 95-05



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CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: the 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER Code Reviser

STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of March 1995 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$188.83 per year, sales tax included, postpaid to points in the United States. Second-class postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER

Code Reviser's Office Legislative Building Olympia, WA 98504-0552

The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

Raymond W. Haman Chairman, Statute Law Committee

Kerry S. Raddiff Editor

Dennis W. Cooper Code Reviser

Joyce Matzen
Subscription Clerk

Gary Reid
Chief Assistant Code Reviser

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) PROPOSED-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) MISCELLANEOUS-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (f) TABLE-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) INDEX-includes a combined subject matter and agency index.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections-
 - (i) <u>underlined material</u> is new material;
 - (ii) deleted material is ((lined out between double parentheses));
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

5. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

1994 - 1995 DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates 1			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in	F	ile no later than		Count 20 days from	For hearing on or after
94-16	Jul 6	Jul 20	Aug 3	Aug 17	Sep 6
94-17	Jul 27	Aug 10	Aug 24	Sep 7	Sep 0
94-18	Aug 10	Aug 24	Sep 7	Sep 7	Oct 11
94-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
94-20	Sep 7	Sep 7	Oct 5	Oct 19	Nov 8
94-21	Sep 21	Oct 5	Oct 19	Nov 2	Nov 22
94-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
94-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
94-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1995
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95-01	Nov 23	Dec 7	Dec 21, 1994	Jan 4, 1995	Jan 24
95-02	Dec 7	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 7
95-03	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 1	Feb 21
95-04	Jan 4	Jan 18	Feb 1	Feb 15	Mar 7
95-05	Jan 18	Feb 1	Feb 15	Mar 1	Mar 21
95-06	Feb 1	Feb 15	Mar 1	Mar 15	Apr 4
95-07	Feb 22	Mar 8	Mar 22	Apr 5	Apr 25
95-08	Mar 8	Mar 22	Apr 5	Apr 19	May 9
95-09	Mar 22	Apr 5	Apr 19	May 3	May 23
95-10	Apr 5	Apr 19	May 3	M ay 17	Jun 6
95-11	Apr 26	May 10	May 24	Jun 7	Jun 27
95-12	May 10	May 24	Jun 7	Jun 21	Jul 11
95-13	May 24	Jun 7	Jun 21	Jul 5	Jul 25
95-14	Jun 7	Jun 21	Jul 5	Jul 19	Aug 8
95-15	Jun 21	Jul 5	Jul 19	Aug 2	Aug 22
95-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
95-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
95-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
95-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
95-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
95-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
95-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
95-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996

All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

When is an SBEIS Required?

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

When is an SBEIS Not Required?

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

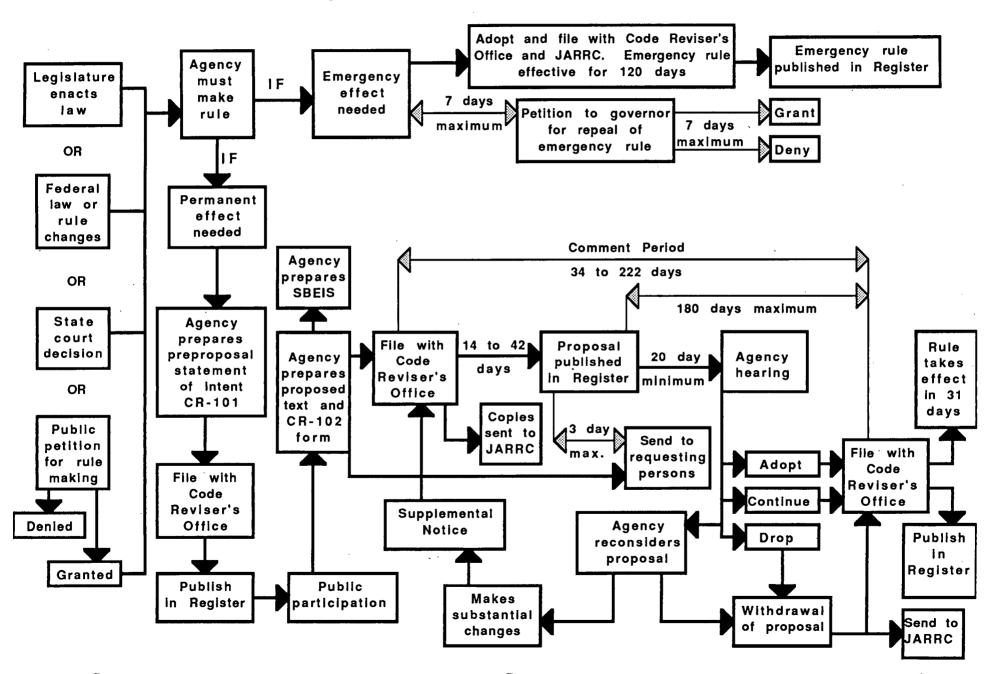
There is less than minor economic impact on business;

The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 95-05-001 PREPROPOSAL STATEMENT OF INTENT WASHINGTON STATE PATROL

[Filed February 1, 1995, 12:11 p.m.]

Subject of Possible Rule Making: WAC 204-41-030 Seat belting of prisoners.

Specific Statutory Authority for New Rule: RCW 46.61.688.

Reasons Why the New Rule is Needed: Current rule gives law enforcement officers the option whether to belt a subject riding in their vehicles. This change will remove that option and require law enforcement personnel to follow the statute for using seat belts if the vehicle is equipped with a seat belt system.

Goals of New Rule: Change the current rule to follow the requirement of the statute regarding use of seat belts. Seat belting subjects will increase safety.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Contact Deputy Chief Bruce Bjork, Washington State Patrol, P.O. Box 42613, Olympia, WA 98504-2613, phone (360) 586-2340, FAX (360) 586-1628.

> January 31, 1995 R. W. Bruett Chief

AMENDATORY SECTION (Amending Order 86-1, filed 9/25/86)

WAC 204-41-030 Seat belting of prisoners. If the patrol vehicle is equipped with a seat belt system, it is intended that all prisoners being transported in a passenger style patrol vehicle wear a seat belt. ((However, if the prisoner is combative or for any other reason, the officer in charge of the prisoner has the option to not place the prisoner in a seat belt system.))

Prisoners that are transported in the front seat of a patrol vehicle should be placed in a seat belt assembly.

WSR 95-05-002 PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed February I, 1995, 2:00 p.m.]

Subject of Possible Rule Making: Changes in the model for the emergency food assistance program (EFAP).

Specific Statutory Authority for New Rule: Chapter 43.63A RCW; section 201, chapter 366, Laws of 1991; section 222, chapter 232, Laws of 1992.

Reasons Why the New Rule is Needed: Our department has been asked by the legislature and the Office of Financial Management to reduce staff for the program from 2 to 1 FTE. They stated we were to look at how to make the program more efficient and responsive to the communities it serves. These changes are in response to these requests.

Goals of New Rule: One goal is to make the program more manageable for both the Department of Community, Trade and Economic Development staff and service providers. The agency also sees these changes as better meeting

the criteria of the Family Policy Initiative. In initiating these changes, the agency will put more authority in the hands of the communities to decide how to spend the EFAP funds.

Process for Developing New Rule: Negotiated rule making; pilot rule making; and the Department of Community, Trade and Economic Development is currently administering four pilot projects with EFAP providers. Prior to the projects beginning in July 1994, agency staff met with the EFAP work group comprised of providers from across the state to discuss the new model and get their input. Since fall of 1994, agency staff have also been meeting with emergency food providers all over the state to discuss the new model. Staff will have met with providers from every county by mid March 1995. Another work group will occur on February 9, 1995, to discuss the final details of the changes.

How Interested Parties can Participate in Formulation of the New Rule: All interested parties may send in written testimony to the department by the date of the WAC hearing on April 6, 1995. Concerned parties may also attend the WAC hearing to present oral testimony. The hearing will be held at the Department of Community, Trade and Economic Development, Room 4A, at 1:30 p.m. The department will send out notices of the hearing to all EFAP contractors along with a copy of the proposed changes.

1993-95 EFAP FOOD BANK/FOOD DISTRIBUTION CENTER CONTRACTORS PROGRAM MANAGER/EXECUTIVE DIRECTOR LIST

Ms. Vicki Leuenberger, Director Alternatives to Hunger 1824 Ellis Street P.O. Box 6056 Bellingham, WA 98226 (206) 676-0392

Ms. Gail McGhee, Program Manager Mr. Steve Moss, Executive Director Blue Mountain Action Council 34 Boyer Avenue Walla Walla, WA 99362-2042 (509) 529-3561 or 529-4980 FAX (509) 529-4985

Mr. Ken Riste, Coordinator, Food Programs Mr. Robert J. Soule, Executive Director Chelan-Douglas CAC 620 Lewis Street Wenatchee, WA 98801 (509) 662-6156 FAX (509) 662-1737

Mr. Timothy Hockett, Program Director Mr. Lee J. Tickell, Executive Director Clallam-Jefferson CAC 802 Sheridan, 1st Floor (505 East 8th Street) Port Townsend, WA 98368 (Port Angeles 98362) (206) 452-4726 FAX (206) 385-5185

Mr. Dennis St. John, Program Coordinator, Stop Hunger Warehouse Mr. Mike Piper, Acting Director Clark County CSD 1013 Franklin

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P.O. Box 5000 Vancouver, WA 98668-5000 (206) 253-4790 FAX (206) 253-8651 or 699-2306

WSR 95-05-002

Ms. Vicki Petitt, Emergency Services Director Mr. Paul Youmans, Executive Director Coastal Community Action Program 117 East Third P.O. Box 1827

Aberdeen, WA 98520 (206) 533-5100, ext. 119 FAX (206) 532-4623

Ms. Linda G. Finlay, Executive Director Community Services of Moses Lake 1075 West Marina P.O. Box 683 Moses Lake, WA 98837

(509) 765-8101

Ms. Jean Stine, Nutrition Program Director Administrative Assistant Mr. Karl Johanson, Executive Director Council on Aging and Human Services South 210 Main Street

P.O. Box 107 Colfax, WA 99111 (509) 397-4611

Ms. Jaimie Brackin, Program Manager Ms. Winnie Nazarko, Director Food Lifeline 15230 15th Avenue Northeast Seattle, WA 98103 (206) 545-6600 FAX (206) 545-6616

Ms. Trish Twomey, Director of Food Resources Mr. Frank Chopp, Executive Director Fremont Public Association Food Resource Network P.O. Box 3115 Seattle, WA 98103 (206) 633-6407

FAX (206) 548-8358

Ms. Joyce Nelson, Director of Emergency Services

Mr. William J. Riley, Executive Director

Kittitas CAC, Inc. 606 West Third Ellensburg, WA 98926 (509) 925-1448 FAX (509) 925-1204

Ms. Linda Lamoreaux, Associate Director Mr. Robert Marley, Executive Director Klickitat-Skamania Development Council 75 N.E. Estes Street

P.O. Box 1580 White Salmon, WA 98672 (509) 493-3954 FAX (509) 493-3443

Mr. Jack Dugaw, Treasurer Ms. Joanne Clark, President

Lewis County Food Bank Coalition P.O. Box 307 Chehalis, WA 98532 (206) 748-3787

Ms. Sybil Sides, Director, Emergency Services Ms. Judy Sloan, Executive Director Lower Columbia CAC

P.O. Box 2129 Longview, WA 98632 (206) 425-3430 FAX (206) 425-6657

Ms. Cynda Mack, Family Division Director Mr. J. Linsey Hinand, Executive Director Metropolitan Development Council Food Funnel 2302 Sixth Avenue Tacoma, WA 98403

Tacoma, WA 98403 (206) 593-7220, ext. 114 FAX (206) 272-1962

Ms. Win Hogben, Manager
Ms. Dorene Marchione, Executive Director
Multi-Service Center of North and East King County
18220 96th Northeast
Bothell, WA 98011
(206) 485-6521, ext. 104 or 1-800-777-7379
FAX (206) 483-5251

Mr. Dan Speare, Food Assistance Coordinator Mr. Barry Lamont, Executive Director NE Washington Rural Resources Development Association 320 North Main Street Colville, WA 99114 (509) 684-8421 FAX (509) 684-5787

Ms. Denise Agee, Director Mr. Arthur Schrom, President, Bd. of Directors St. Vincent DePaul 1137 North Callow Avenue Bremerton, WA 98312 (206) 479-7017

Mr. Francis J. Hughes, Executive Director North Whidbey Help, Inc. 4029 40th Northeast Oak Harbor, WA 98277 (206) 675-3888

Mr. James R. Martin, Executive Director Okanogan County CAC 424 South Second P.O. Box 1067 Okanogan, WA 98840 (509) 422-4041 NO FAX

Mr. Dick Gonzales, President Mr. Ray Manuel, Executive Secretary St. Vincent DePaul Society St. Patrick's Conference 1120 West Sylvester Pasco, WA 99301 (509) 547-3469 Mr. Bill Fanning, Social Service Coordinator

Mr. Frank McGree, Director St. Vincent DePaul Society 2629 South First Street Yakima, WA 98903 (509) 457-5111

Ms. Lynn Christofersen, Community Services Supervisor

Mr. William J. Shuler, Executive Director

Skagit County CAA 613 South Second P.O. Box 1507 Mount Vernon, WA 98273 (206) 336-6627 FAX (206) 336-9771

Ms. Diane Jheuck, Food Bank Director Mr. Kary Hyre, Acting Executive Director South King County Multi-Service Center 1200 South 336th (P.O. Box 23699, 98093-0699)

Federal Way, WA 98003

(206) 838-6810

FAX (206) 874-7831

Mr. Terry Moore, Program Manager Mr. Al Brislain, Executive Director Spokane Food Bank, Inc. East 1230 Front Street Spokane, WA 99202 (509) 534-6678 FAX (509) 534-8252

Ms. Janice M. Putnam, Director Thurston County Food Bank 413 North Franklin Olympia, WA 98501 (206) 352-8597

Ms. Cynthia L. Cecil, Executive Director United Citizens Betterment Organization 502 Yelm Avenue West P.O. Box 446 Yelm, WA 98597 (206) 458-7000 FAX (206) 458-4226

Ms. Virginia Sprague, Program Manager Mr. Jim Brown, Executive Director Volunteers of America 2802 Broadway P.O. Box 839 Everett, WA 98206 (206) 259-3191 FAX (206) 258-2838

> EFAP TRIBAL FOOD VOUCHER PROGRAM 1993-95 CONTRACTOR LIST

The Honorable Wm. Ron Allen, Chair Jamestown S'Klallam Indian Tribes 305 Old Blyn Highway Sequim, WA 98382

Mr. Dallas I. Deguire, Administrative Director Port Gamble S'Klallam Bus. Comm. P.O. Box 280 Kingston, WA 98346

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The Honorable Christian Penn, Chair **Quileute Tribal Council** P.O. Box 279 La Push, WA 98350

The Honorable J. Lawrence Joseph, Chair Sauk-Suiattle Tribal Council 5318 Chief Brown Lane Darrington, WA 98241

Mr. Amadeo T. Tiam, Chair South Puget Sound Intertribal Planning Agency S.E. 2750 Old Olympic Highway Shelton, WA 98584

The Honorable Bruce Wynne, Chair Spokane Tribal Business Council P.O. Box 100 Wellpinit, WA 99040

Mr. Marvin Carlson, **Executive Director** Small Tribes Organization of Western Washington P.O. Box 578 Sumner, WA 98390

Mr. Gerald I. James, Program Manager Lummi Business Council 2616 Kwina Road Bellingham, WA 98226

The Honorable Virginia Cross, Chair Muckleshoot Tribal Council 39015 172nd Avenue S.E. Auburn, WA 98002

The Honorable Robert Joe, Sr., Chair Swinomish Indian Senate P.O. Box 817 La Conner, WA 98257

Mr. Jude Stensgar, Program Coordinator Colville Confederated Tribes P.O. Box 150 Nespelem, WA 99155

> January 31, 1995 Debora Brown Special Assistant

WSR 95-05-004 PREPROPOSAL STATEMENT OF INTENT LIOUOR CONTROL BOARD

[Filed February 1, 1995, 3:35 p.m.]

Specific Statutory Authority for New Rule: RCW 66.08.030.

Reasons Why the New Rule is Needed: The Liquor Control Board believes this rule should be deleted in its entirety. The board believes the enforcement of local health requirements by local health departments will better manage board resources.

Goals of New Rule: Manage board resources more effectively.

Process for Developing New Rule: Input from various licensee associations.

How Interested Parties can Participate in Formulation of the New Rule: Gary W. Gilbert, Chief of Enforcement, P.O. Box 43094, Olympia, WA 98504-3094, phone (360) 586-3052, FAX (360) 664-0501.

January 30, 1995 Joe McGavick Chairman

WSR 95-05-005 PREPROPOSAL STATEMENT OF INTENT LIQUOR CONTROL BOARD

[Filed February 1, 1995, 3:37 p.m.]

Specific Statutory Authority for New Rule: RCW 66.08.030.

Reasons Why the New Rule is Needed: The board intends to clarify that "minimum inventory" as used in the rule pertains to food products, that the minimum food inventory be accessible to customers and to impose the same requirement on beer specialty shops as are imposed on wine specialty shops.

Goals of New Rule: To standardize rules and make them applicable to similar licensees.

Process for Developing New Rule: Input from industry and public hearing.

How Interested Parties can Participate in Formulation of the New Rule: Gary W. Gilbert, Chief of Enforcement, P.O. Box 43094, Olympia, WA 98504-3094, phone (360) 586-3052, FAX (360) 664-0501.

January 30, 1995 Joe McGavick Chairman

WSR 95-05-010 PREPROPOSAL STATEMENT OF INTENT THE EVERGREEN STATE COLLEGE

[Filed February 2, 1995, 1:05 p.m.]

Subject of Possible Rule Making: Parking and traffic regulations.

Specific Statutory Authority for New Rule: WAC 174-116-010 through 174-116-127.

Reasons Why the New Rule is Needed: To expand hours of operation and implement a fee/fine increase to

provide for additional funding needed to maintain and operate campus parking facilities.

Goals of New Rule: Revenue increase to provide for current parking facility maintenance requirements and future facility expansion. Increase hours of fee/fine collections to reconcile use inequity issues. Revise fund expenditure procedures to separate costs associated with operations and enforcement so the latter would be self supporting.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Jodi Woodall, Parking Program Supervisor, Seminar 2150, TESC, Olympia, WA 98505, (360) 866-6000 X6352 Office, (360) 866-6823 FAX, woodallj@elwha.evergreen.edu Internet address.

January 31, 1995 Jodi Woodall Parking Program Supervisor

WSR 95-05-012 PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF HEALTH

(Board of Health)
[Filed February 6, 1995, 9:57 a.m.]

Subject of Possible Rule Making: WAC 246-100-166. Specific Statutory Authority for New Rule: RCW 18A.210.140, empowering the State Board of Health to adopt rules which establish the procedural and substantive requirements for full immunization.

Reasons Why the New Rule is Needed: A recently released combined schedule of recommended childhood vaccinations adds Hepatitis B to the list of vaccines currently required in WAC by the State Board of Health. This will bring Washington state vaccine requirements up to the standard currently being recommended by three major authorities, the Centers for Disease Control, the American Academy of Pediatricians, and the American Academy of Family Practitioners.

Goals of New Rule: To protect Washington state's children from vaccine-preventable diseases, and to establish in rule a revised, updated schedule of required vaccinations for school-aged children.

Process for Developing New Rule: Convene both an external workgroup of medical professionals from the public and private sectors, as well as an internal workgroup of agency people involved in children's programs to advise the State Board of Health on both the content of and approach to adopting new immunization requirements.

How Interested Parties can Participate in Formulation of the New Rule: Karen Valenzuela, phone (360) 664-9053; and Jean Borden, phone (360) 664-3876; Community and Family Health, Department of Health, P.O. Box 47880, Olympia, WA 98504-7880.

February 3, 1995 Sylvia I. Beck Executive Director State Board of Health

PREPROPOSAI

WSR 95-05-025 PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF REVENUE

[Filed February 8, 1995, 8:57 a.m.]

Subject of Possible Rule Making: Amending WAC 458-20-211 which deals with the renting or leasing of tangible personal property, with or without operator.

Specific Statutory Authority for New Rule: RCW 82.32.300 and implementing RCW 82.04.050.

Reasons Why the New Rule is Needed: Definition of a retail sale was amended by the 1993 legislature in chapter 25 of the special session to include equipment rental with operator. Current version of WAC 458-20-211 deals with equipment rentals and requires revision to include this change.

Goals of New Rule: The goal of the rule is to provide sufficient tax reporting information so that taxpayers can correctly complete the tax reporting forms and collect the proper amount of retail sales tax from their customers on equipment rentals. The rule will deal with specific situations which are not addressed by statute such as how to treat subcontract situations and the purchases of equipment. It will also incorporate case law which distinguishes finance leases from true leases.

Process for Developing New Rule: Department of Revenue modified negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted until the date of adoption. Written comments on the proposed rule may be directed to Les Jaster, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-7150, FAX (360) 664-0693.

Location and Date of Public Meeting: General Administration Building, Revenue Conference Room 415, 210 11th and Columbia Street, Olympia, WA, on March 22, 1995, at 10:00 a.m. A rule draft has been prepared for discussion purposes and is available through Roseanna Hodson, (360) 586-4281.

Assistance for Persons with Disabilities: Contact Gwendolyn Kopetsky by March 15, 1995, TTY 1-800-451-7985, or (360) 753-3217.

February 8, 1995 Les Jaster **Rules Coordinator** ployment Act that states it is illegal to have mandatory retirement due to age.

Washington State Register, Issue 95-05

Process for Developing New Rule: Repealer to bring into conformance with federal law.

How Interested Parties can Participate in Formulation of the New Rule: Contact Claire Krueger or Larry Lael at (360) 753-2000 by phone or in writing at the State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, FAX (360) 586-6440. Timeline, please submit comments by Friday, March 10, 1995, by 5 p.m.

February 8, 1995 Claire C. Krueger **Executive Assistant** Agency Rules Coordinator

WSR 95-05-029 PREPROPOSAL STATEMENT OF INTENT **DEPARTMENT OF** LABOR AND INDUSTRIES

[Filed February 8, 1995, 11:48 a.m.]

Specific Statutory Authority for New Rule: Chapter. 19.28 RCW, specifically RCW 19.28.540 and [19.28.]550.

Reasons Why the New Rule is Needed: To notify the public of all charges, fees, and certification periods associated with application, examination and renewal of electricians certificates of competency, as required under chapter 19.28 RCW. It is necessary to amend chapter 296-401 WAC to accommodate changes made to chapter 19.28 RCW.

Goals of New Rule: To clarify certification fee requirements under chapter 296-401 WAC and eliminate questions arising over the actual cost to accomplish and maintain electricians certification.

Process for Developing New Rule: Rule is being clarified to comply with requirements of chapter 19.28 RCW. Amendments are administrative and do not establish additional compliance requirements. Affected industries will be notified of proposed amendment.

How Interested Parties can Participate in Formulation of the New Rule: Roland E. Levasseur, (360) 956-5250 (after February 21, 1995, (360) 902-5250).

February 8, 1995 Mark O. Brown Director

WSR 95-05-026 PREPROPOSAL STATEMENT OF INTENT STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

[Filed February 8, 1995, 11:35 a.m.]

Specific Statutory Authority for New Rule: RCW 28B.10.400.

Reasons Why the New Rule is Needed: To repeal WAC 131-16-005 Mandatory retirement age defined.

Goals of New Rule: As a housekeeping measure, the agency needs to repeal WAC 131-16-005 to bring into compliance with the federal Age Discriminatory and Em-

WSR 95-05-030 PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF LABOR AND INDUSTRIES

[Filed February 8, 1995, 11:50 a.m.]

Specific Statutory Authority for New Rule: Hazard communication (WAC 296-62-054), chapter 49.17 RCW, Federal Register Volume 59, Number 245, dated December 12, 1994.

Reasons Why the New Rule is Needed: The Occupational Safety and Health Administration (OSHA) issued a correction to a final rule to improve safety and health conditions for workers affected by the hazard communication standard. These corrections are administrative and do not increase compliance requirements.

Goals of New Rule: The federal standard correction amends terms or agencies references and clarifies the standards.

Process for Developing New Rule: The department must adopt rules identical or "at-least-as-effective-as": The OSHA rules required by RCW 49.17.010 and the OSHA/WISHA state plan agreement. The department will adopt the OSHA rule corrections into WAC 296-62-05403, 296-62-05405, and 296-62-05413.

How Interested Parties can Participate in Formulation of the New Rule: Bob Rhimer, Industrial Safety Engineer, Department of Labor and Industries, (360) 956-5522, FAX (360) 956-5529, P.O. Box 44620, Olympia, WA 98504-4620.

February 8, 1995 Mark O. Brown Director Goals of New Rule: To delete a requirement previously removed from chapter 180-27 WAC which required project approval by the state board prior to the submittal of any capital funding measure to the voters of the district.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Alberta Mehring, (360) 753-6702.

February 8, 1995 Larry Davis Executive Director

WSR 95-05-035 PREPROPOSAL STATEMENT OF INTENT STATE BOARD OF EDUCATION

[Filed February 8, 1995, 3:39 p.m.]

Subject of Possible Rule Making: WAC 180-29-125. Specific Statutory Authority for New Rule: RCW 28A.525.020.

Reasons Why the New Rule is Needed: WAC 180-29-125 is being amended to provide a specific time period for the award of contract as provided by the terms and conditions of the bid.

Goals of New Rule: The goal of this amendment is to provide certainty that school districts enter into contracts after bid in a timely manner.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Alberta Mehring, (360) 753-6702.

February 8, 1995 Larry Davis Executive Director

WSR 95-05-036 PREPROPOSAL STATEMENT OF INTENT STATE BOARD OF EDUCATION

[Filed February 8, 1995, 3:41 p.m.]

Subject of Possible Rule Making: WAC 180-29-015(2). Specific Statutory Authority for New Rule: RCW 28A.47.830.

Reasons Why the New Rule is Needed: As drafted, this amendment will delete a portion which was deleted previously in chapter 180-27 WAC.

WSR 95-05-037 PREPROPOSAL STATEMENT OF INTENT STATE BOARD OF EDUCATION

[Filed February 8, 1995, 3:43 p.m.]

Subject of Possible Rule Making: WAC 180-29-095. Specific Statutory Authority for New Rule: RCW 39.25.010, 39.25.020, and 39.25.030.

Reasons Why the New Rule is Needed: To delete a reference to an RCW which was repealed during the 1994 legislative session (HB 2811).

Goals of New Rule: To delete a reference which is no longer in effect.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Alberta Mehring, (360) 753-6702.

February 8, 1995 Larry Davis Executive Director

WSR 95-05-038 PREPROPOSAL STATEMENT OF INTENT STATE BOARD OF EDUCATION

[Filed February 8, 1995, 3:44 p.m.]

Subject of Possible Rule Making: Chapter 180-27 WAC.

Specific Statutory Authority for New Rule: RCW 28A.525.055.

Reasons Why the New Rule is Needed: To comply with section 11 of ESHB 2237 as passed by the legislature in 1994.

Goals of New Rule: The goal of the amended rule is to exclude from the inventory of available educational space those spaces that have been constructed for educational and community activities from grants received from other public or private entities.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Alberta Mehring, (360) 753-6702.

> February 8, 1995 Larry Davis **Executive Director**

WSR 95-05-039 PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed February 9, 1995, 11:43 a.m.]

Subject of Possible Rule Making: WAC 388-225-0020, CEAP/DCFS rewrite.

Specific Statutory Authority for New Rule: RCW 74.08.090.

Reasons Why the New Rule is Needed: WAC written to remove wording related to DCFS issuance of CEAP for a dependent child who is or may be placed in foster care. Inserts reference of WAC rule for DCFS issuance of CEAP for these children.

Goals of New Rule: Refers readers to DCFS WAC for CEAP authorization through their division.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Contact person is Brenda Crayton, Program Manager, AFDC/Refugee Assistance Section, Division of Income Assistance, Mailstop 45400, phone (360) 438-8304, FAX (360) 438-8258.

> February 9, 1995 Dewey Brock, Chief Office of Vendor Services

WSR 95-05-042 PREPROPOSAL STATEMENT OF INTENT STATE BOARD OF EDUCATION

[Filed February 10, 1995, 10:53 a.m.]

Subject of Possible Rule Making: Chapter 180-85 WAC, Vocational certification requirements.

Specific Statutory Authority for New Rule: RCW 28A.410.010.

Reasons Why the New Rule is Needed: To support efforts to improve student achievement.

Goals of New Rule: To assure that continuing education required by the State Board of Education is aligned with improvement of student achievement legislation.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, TDD (206) 664-3631. For telephone assistance contact (360) 753-3222.

> February 9, 1995 Larry Davis **Executive Director**

WSR 95-05-043 PREPROPOSAL STATEMENT OF INTENT STATE BOARD OF EDUCATION

[Filed February 10, 1995, 10:55 a.m.]

Subject of Possible Rule Making: WAC 180-75-070 Use of certification fees.

Specific Statutory Authority for New Rule: RCW 28A.410.010.

Reasons Why the New Rule is Needed: To support efforts to improve student achievement.

Goals of New Rule: To assure that in-service training programs funded by certification fees are aligned with improvement of student achievement legislation.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, TDD (206) 664-3631. For telephone assistance contact Theodore Andrews, (360) 753-3222.

February 9, 1995 Larry Davis Executive Director

WSR 95-05-046 PREPROPOSAL STATEMENT OF INTENT UTILITIES AND TRANSPORTATION COMMISSION

[Filed February 10, 1995, 2:31 p.m.]

Subject of Possible Rule Making: Revising WAC 480-120-141 to modify the rate level at which the commission will accept initial tariffs of alternate operator service companies as meeting the public convenience and advantage without further evidence. Docket No. UT-950134.

Specific Statutory Authority for New Rule: RCW 80.01.040.

Reasons Why the New Rule is Needed: To increase price and nonprice competition among service providers.

Goals of New Rule: To increase competition in the relevant market segment and to increase consumer choices; provide savings from existing rate levels; and increase convenience, efficiency and quality for consumers.

Process for Developing New Rule: Agency study; and workshop-type meetings with regulated companies and consumer representatives in which information and views are exchanged in an effort to reach consensus.

How Interested Parties can Participate in Formulation of the New Rule: Interested persons may address questions to or comments to Steve McLellan, Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, FAX (360) 586-1150. Telephone inquiries may be addressed to Rebecca Beaton at (360) 753-2611. Written comments should be filed not later than the close of business on March 6, 1995. Please identify comments with Docket No. UT-950134. A workshop-style meeting is scheduled for March 9, 1995, to discuss the proposed rule making with industry representatives and interested persons at 9:30 a.m. in Room 250 of the Commission Headquarters Office, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504. After evaluating the comments of interested persons, the commission will determine whether additional public input is appropriate, and establish procedural requirements at that time.

> February 9, 1995 Terrence Stapleton for Steve McLellan Secretary

WSR 95-05-051 PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF NATURAL RESOURCES

[Order 629—Filed February 13, 1995, 2:45 p.m.]

Subject of Possible Rule Making: Amend WAC 332-24-221 to adjust the fee schedule to a level necessary to cover the costs of the burning permit program consistent with the provisions of Initiative 601.

Specific Statutory Authority for New Rule: RCW 70.94.660.

Reasons Why the New Rule is Needed: The fee increase is required to cover actual program costs as required by the Clean Air Act, chapter 70.94 RCW.

Goals of New Rule: Amend existing fee schedule to increase fees by 5.13 percent.

Process for Developing New Rule: The fee schedule is adjusted by the allowable economic growth rate established under Initiative 601.

How Interested Parties can Participate in Formulation of the New Rule: Todd Palzer, Fire Regulation and Fuels Management Coordinator, Resource Protection Division, P.O. Box 47037, Olympia, WA 98504-7037, phone (360) 902-1683, FAX (360) 902-1781.

> February 12, 1995 Kaleen Cottingham Supervisor

WSR 95-05-057 PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF TRANSPORTATION

[Filed February 14, 1995, 9:12 a.m.]

Specific Statutory Authority for New Rule: Chapter 34.05 and RCW 47.36.030.

Reasons Why the New Rule is Needed: The new Manual On Uniform Traffic Control Devices (MUTCD) part VI requires certain traffic control techniques, not yet implemented by the Department of Transportation.

Goals of New Rule: To allow sufficient time to consider statewide impacts of the new MUTCD part VI, and to develop modifications as needed to address those statewide impacts.

Process for Developing New Rule: Negotiated rule making, meet with the Washington State Department of Transportation and local agency traffic engineering officials to identify appropriate modifications to the new MUTCD part VI.

How Interested Parties can Participate in Formulation of the New Rule: The Washington State Department of Transportation is in contact with all interested persons who need to be involved in this rule-making process. Other interested parties may contact Mr. David K. Peach, State Traffic Engineer, at (206) 705-7280.

February 13, 1995 S. A. Moon Deputy Secretary

WSR 95-05-058 PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF HEALTH

[Filed February 14, 1995, 9:31 a.m.]

Subject of Possible Rule Making: Radiation protection—Fees, chapter 246-254 WAC; and forms, chapter 246-255 WAC.

Specific Statutory Authority for New Rule: Authority for adoption: RCW 43.70.110 and [43.70.]250 are the authority for revising the fees found in chapter 246-254 WAC. The authority for modifying chapter 246-255 WAC, Radiation protection—Forms is chapter 70.98 RCW.

Reasons Why the New Rule is Needed: Changes are being proposed in two chapters of the radiation protection rules and regulations.

- 1. Chapter 246-254 WAC, Radiation protection—Fees, each year the annual budget of the Division of Radiation Protection is reviewed to ensure compliance with RCW 43.70.250 which requires the department to set the fees for each program at a sufficient level to recover the costs of administering that program. Based on our review, it may be necessary to modify the existing fee regulations. In addition, the method of fee accountability for several fee categories may be revised to increase program accountability to the licensees affected.
- 2. Chapter 246-255 WAC, Radiation protection—Forms, this chapter contains the forms used by several radiation protection programs. In the formal rule-making process, this chapter will be proposed to be deleted. This will eliminate

the need for costly rule-making activities for any changes to the forms.

Goals of New Rule: The Department of Health is legislatively mandated to establish fees to reflect the cost of administering the program. Any changes in the fee regulations will be completed using the formal rule-making process. The goal of revising the methodology of fee assessment is to improve the efficiency and accountability of the fee assessment for certain fee categories. The goal of deleting chapter 246-255 WAC, Radiation protection—Forms, is to reduce the number of regulations and to increase the ease of changing the forms. For example, rule-making action would be required for changing the telephone area code and such rule-making activity is not cost effective.

Process for Developing New Rule: This statement of intent will be sent to all radioactive material licensees impacted and to professional societies representing x-ray stakeholders for comments. This will allow stakeholders an opportunity for input at an early stage of rule development.

How Interested Parties can Participate in Formulation of the New Rule: Comments should be directed to the following section managers:

- 1. Radioactive Material Section, Terry Frazee, Section Manager, Division of Radiation Protection, P.O. Box 7827, Olympia, WA 98504-7827, phone (360) 753-3461, FAX (360) 753-1496, e-mail: TCF0303@HUB.DOH.WA.GOV.
- 2. X-ray Section, Mike Odlaug, Section Manager, Division of Radiation Protection, 1511 Third Avenue, Seattle, WA 98101-1632, phone (206) 464-5408, FAX (206) 464-7081.

Comments must be received no later than March 8, 1995.

Assistance for Persons with Disabilities: Contact 1-800-525-0127 ext. 664-8162, TDD (206) 664-0064.

February 13, 1995 Bruce Miyahara Secretary

WSR 95-05-059 PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF HEALTH

[Filed February 14, 1995, 9:33 a.m.]

Subject of Possible Rule Making: Revision to water system evaluation and project review and approval fees, WAC 246-290-990.

Specific Statutory Authority for New Rule: RCW 43.20B.020.

Reasons Why the New Rule is Needed: The department needs to recover the increased costs of reviewing and approving documents and performing other fee for service activities requested by water system purveyors. Since the last revision took place in 1992, the fiscal growth factors for FY-94 and FY-95 have been 7.11% and 6.21% respectively. In order to keep up with inflation and related increases to the costs of doing business, the department needs to increase all existing fees by the maximum fiscal growth factor allowed under Initiative 601. In addition there have been new requirements imposed since the 1992 revision which need to be added to the fee schedule established in this WAC section.

Goals of New Rule: To increase fee for service fees to more closely align with the actual costs of conducting the work requested.

Process for Developing New Rule: Agency study; and drafted by department staff and distributed for comments.

How Interested Parties can Participate in Formulation of the New Rule: Interested parties can participate by sending written comments to the department at the following address: Division of Drinking Water, Fee Revision Comments, P.O. Box 47822, Olympia, WA 98504-7822, 1-800-521-0323, FAX (206) 586-5529.

February 13, 1995 Bruce Miyahara Secretary

WSR 95-05-062 PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF ECOLOGY

[Order 94-30—Filed February 14, 1995, 1:02 p.m.]

Subject of Possible Rule Making: Chapter 173-303 WAC, Dangerous waste.

Specific Statutory Authority for New Rule: Chapter 70.105 RCW, Hazardous Waste Management Act; and chapter 70.105D RCW, Hazardous waste cleanup—Model Toxics Control Act.

Reasons Why the New Rule is Needed: (1) As a state authorized by the Environmental Protection Agency to implement the federal hazardous waste program, the Department of Ecology must periodically amend the dangerous waste regulations for equivalency with the federal hazardous waste rules; and (2) during 1994, ecology conducted a study of the state-only provisions of the dangerous waste regulations as part of the dangerous waste regulatory reform project. The next phase of the project is to develop rule amendments to update the state-only requirements to make them more practical and up-to-date, and to reflect current knowledge regarding waste management and testing methods

Goals of New Rule: Goals of the amendments to the dangerous waste regulations are to simplify the regulations while retaining environmental protection, tailor waste management standards to the risks associated with the wastes, emphasize pollution prevention whenever possible, use current science for waste designation, and update the regulations for equivalency with the federal hazardous waste program.

Process for Developing New Rule: Consultative rule making, an external committee met throughout the past year to discuss issues related to the state-only provisions of the dangerous waste regulations as part of the dangerous waste regulatory reform project. Although consensus was not reached among the participants, the information resulting from the process was used by ecology to develop recommendations for rule amendments.

How Interested Parties can Participate in Formulation of the New Rule: To receive information by mail regarding the rule making (availability of draft rule language, hearing announcements, and opportunities for public comment), call Bert Ponton at (206) 407-6752, FAX (206) 407-6883. For more detailed information about the rule making content and process, call Patricia Hervieux at (206) 407-6756.

February 7, 1995
Dan Silver
Assistant Director
Waste Programs

WSR 95-05-063 PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF ECOLOGY

[Order 95-02-Filed February 14, 1995, 1:04 p.m.]

Subject of Possible Rule Making: WAC 173-19-2513, Lake Forest Park, city of, shoreline master program.

Specific Statutory Authority for New Rule: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Reasons Why the New Rule is Needed: The city of Lake Forest Park has requested this rule amendment to update the city's shoreline master program.

Goals of New Rule: To adopt a shoreline master program amendment for the city of Lake Forest Park. This will amend WAC 173-19-2513.

Process for Developing New Rule: This amendment was developed during a lengthy process of public meetings and hearings conducted by the Lake Forest Park Environmental Quality Commission and city council.

How Interested Parties can Participate in Formulation of the New Rule: Copies of the proposed master program are available from Peter Skowlund, Department of Ecology, Shorelands Program, P.O. Box 47690, Olympia, WA 98504-7690, (360) 407-6522, FAX (360) 407-6535.

February 6, 1995 Linda G. Crerar Water and Shorelands Assistant Director

WSR 95-05-068 PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)
[Filed February 14, 1995, 2:52 p.m.]

Subject of Possible Rule Making: Consolidated emergency assistance program—Social services, chapter 388-165 WAC.

Specific Statutory Authority for New Rule: RCW 74.04.660, 74.08.090, Title IV-A Sec. 406(e), 45 CFR 233.120.

Reasons Why the New Rule is Needed: The new rule serves to conform the code governing crisis intervention social services to families and children currently contained in WAC 388-225-0300 to the recently approved Title IV-A State Plan for federal financial reimbursement, in order to maximize federal match of state funds appropriated for the operation of these programs. Separating the section of the code from the Consolidated emergency assistance program—(CEAP), chapter 388-225 WAC, facilitates the administration of the programs for the involved agencies.

Goals of New Rule: The new rule will enable the department to maximize claims for federal match to supplement currently appropriated state funds used for the operation of these programs. Additionally, the new rule will facilitate the administration of the programs known as emergency assistance and conform the code to the recent changes in the Title IV-A State Plan for federal financial reimbursement.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Janice Greenfield, Mailstop 45710, (360) 586-2656, FAX (360) 586-1040/(360) 753-1369; or Barbara Price, Mailstop 45710, (360) 664-2749, FAX (360) 586-1040/(360) 753-1369; at P.O. Box 45710, Olympia, WA 98504-5710.

February 14, 1995 Dewey Brock, Chief Office of Vendor Services

WSR 95-05-069 PREPROPOSAL STATEMENT OF INTENT GAMBLING COMMISSION

[Filed February 14, 1995, 3:53 p.m.]

Specific Statutory Authority for New Rule: RCW 9.46.070.

Reasons Why the New Rule is Needed: Rule will allow card room licensees to compete with tribal casinos with respect to hours of operation.

Goals of New Rule: Rule will allow card room licensees to extend hours of operation to 4:00 a.m. with the consent of the director providing local law enforcement does not object. Licensees must observe a four hour period of closure prior to beginning the next period of operation.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Patricia Norman-Cole, Rules Coordinator, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 364, FAX (360) 438-8652.

> February 14, 1995 Patricia Norman-Cole Rules Coordinator

WSR 95-05-078 PREPROPOSAL STATEMENT OF INTENT HORSE RACING COMMISSION

[Filed February 15, 1995, 11:25 a.m.]

Subject of Possible Rule Making: WAC 260-12-010 Definitions, updating the eligibility requirements for the past performance on horses; and WAC 260-40-100 Performance records, arnendment will change eligibility requirements on horses past performance requirements.

Specific Statutory Authority for New Rule: RCW 67.16.040.

Reasons Why the New Rule is Needed: Request by associations upgrade the eligibility requirement for past performance on horses.

Goals of New Rule: Same as above.

Process for Developing New Rule: Request from associations to make the rule change.

How Interested Parties can Participate in Formulation of the New Rule: Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, (360) 459-6462, FAX (360) 459-6461.

February 15, 1995
Bruce Batson
Executive Secretary

WSR 95-05-085 PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF RETIREMENT SYSTEMS

[Filed February 15, 1995, 11:57 a.m.]

Subject of Possible Rule Making: Eligibility to receive service credit while taking unpaid leave.

Specific Statutory Authority for New Rule: RCW 41.50.050.

Reasons Why the New Rule is Needed: To codify standards regarding the eligibility of retirement system members to receive service credit while taking unpaid leave, including leave under the federal Family and Medical Leave Act of 1993.

Goals of New Rule: To provide guidance to retirement system members and employers concerning eligibility to receive service credit while taking unpaid leave.

Process for Developing New Rule: Solicitation of comments from retirement system members, employers; consideration of comments/recommendations from retirement system administrators received in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Paul Neal, Rules Coordinator, Legal/ Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380.

> February 15, 1995 Paul Neal Rules Coordinator

WSR 95-05-086 PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF RETIREMENT SYSTEMS

[Filed February 15, 1995, 11:58 a.m.]

Subject of Possible Rule Making: Eligibility for retirement system membership.

Specific Statutory Authority for New Rule: RCW 41.50.050.

Reasons Why the New Rule is Needed: To codify the department's administrative practice regarding the determination of eligibility for membership in PERS, TRS and LEOFF.

Goals of New Rule: To provide guidance to members and employers concerning the standards for establishing membership in PERS, TRS and LEOFF.

Process for Developing New Rule: Solicitation of comments from retirement system members, employers; consideration of comments/recommendations from retirement system administrators received in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Paul Neal, Rules Coordinator, Legal/ Legislative Affairs, Department of Retirement Systems, Mailstop 48380, P.O. Box 48380, Olympia, WA 98504-8380.

> February 15, 1995 Paul Neal Rules Coordinator

WSR 95-05-087 PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF FISH AND WILDLIFE

[Filed February 15, 1995, 11:59 a.m.]

Subject of Possible Rule Making: Recreational fishing and hunting rules and disposal of road killed animals.

Specific Statutory Authority for New Rule: RCW 77.12.040.

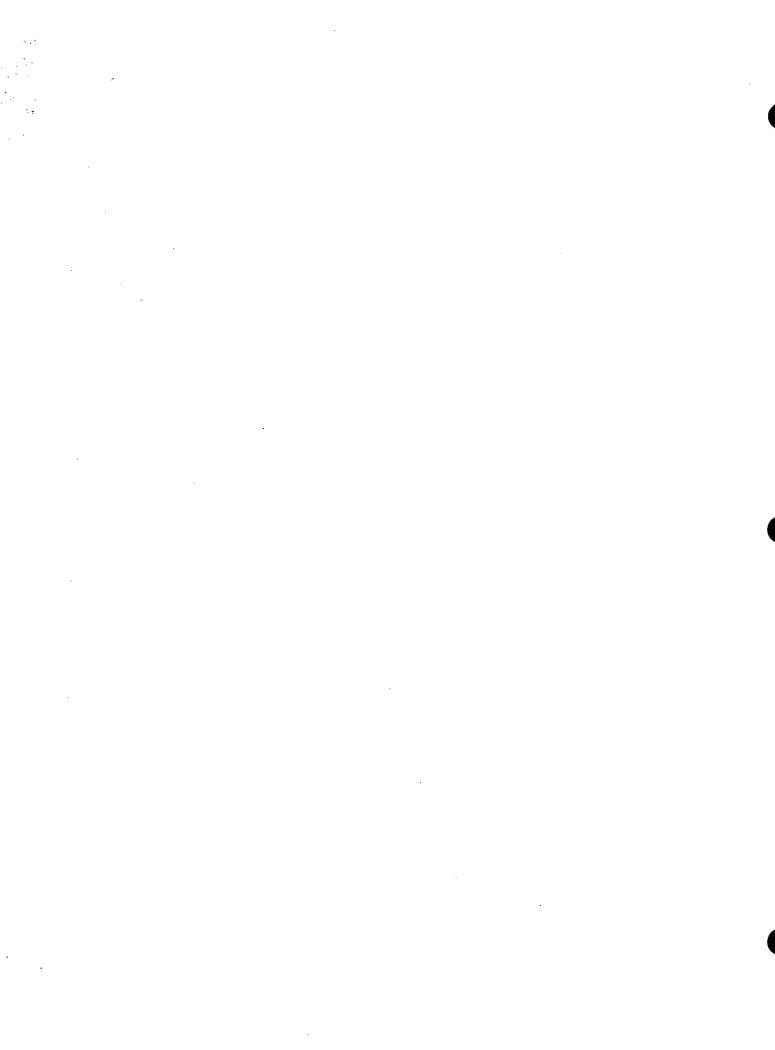
Reasons Why the New Rule is Needed: The rules under consideration establish permit hunts, correct and clarify inland fishing seasons, establish the big horn sheep auction and deal with landowner removal of dead animals.

Goals of New Rule: To provide recreational opportunity and assist landowners in disposal of road killed animals.

Process for Developing New Rule: Agency study; and the agency will work with legislative staff on the road killed animals issue.

How Interested Parties can Participate in Formulation of the New Rule: For fish issues: Dave Brittell, 1111 Washington Street, Olympia, call (206) 902-2504. For wildlife issues: Bruce Crawford, 1111 Washington Street, Olympia, call (206) 902-2315.

> February 15, 1995 Evan Jacoby Rules Coordinator



WSR 95-05-013 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed February 6, 1995, 3:47 p.m.]

Original Notice.

Title of Rule: WAC 388-49-480 Income—Ineligible household members.

Purpose: Conform to 7 CFR 273.1 (b)(2)(i). Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Deletes ineligible students from consideration as ineligible household members. By definition, ineligible students are nonhousehold members and are not treated the same as ineligible household members.

Reasons Supporting Proposal: Conform to 7 CFR 273.1 (b)(2)(i).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Charles Henderson, Division of Income Assistance, 438-8325.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 7 CFR 273.1 (b)(2)(i).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This revision impacts the food stamp program only and does not affect small businesses.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on March 21, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by March 7, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Jefferson Street, Olympia, Washington 98504, Please Identify WAC Numbers, FAX (206) 586-8487, by March 14, 1995.

Date of Intended Adoption: March 22, 1995.

February 6, 1995 Dewey Brock, Chief Office of Vendor Services

[1]

AMENDATORY SECTION (Amending Order 3209, filed 7/23/91, effective 8/23/91)

WAC 388-49-480 Income—Ineligible household members. (1) The department shall determine eligibility and benefit level for households containing persons disqualified for intentional program violation or persons disqualified for failure to meet work requirements described in WAC 388-49-360 as follows:

(a) The entire income of the disqualified persons shall be considered available to the remaining household members;

- (b) The entire household's allowable earned income, standard deduction, medical, dependent care, and excess shelter deduction shall be considered in their entirety; and
- (c) The household's coupon allotment shall not be increased as a result of the exclusion of one or more persons.
- (2) The department shall determine eligibility and benefit level for households containing persons ineligible because of alien status, disqualification for refusal to obtain or provide a Social Security number, or failure to sign the application attesting to their citizenship or alien status as follows:
- (a) A pro rata share of the income of the ineligible persons shall be counted as income to the remaining household members;
- (b) The twenty percent earned income deduction shall apply to the ineligible persons' earned income attributed to the household; and
- (c) The portion of the household's allowable shelter and dependent care expense which is paid by or billed to the ineligible members shall be divided evenly among all members of the household, providing the ineligible members have income.
- (3) ((The department shall not consider the income of ineligible students.
- (4))) The department shall exclude ineligible or disqualified household members when determining the household's size for purposes of:
 - (a) Assigning a benefit level; and
- (b) Comparing the household's monthly income to the income eligibility standards.

WSR 95-05-014 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Filed February 6, 1995, 3:48 p.m.]

Original Notice.

Title of Rule: WAC 388-250-1200 Standards of assistance—Basic requirements—Need payment standards.

Purpose: Adds the category of homeless person or family as one who qualifies under the definition of a household with an obligation to pay shelter costs.

Statutory Authority for Adoption: RCW 74.04.050. Statute Being Implemented: RCW 74.04.050.

Summary: Provides clear statement that homeless persons are considered to have an obligation to pay shelter. Assist financial service staff to determine correct payment standard.

Reasons Supporting Proposal: The category of homeless persons was omitted in error during the WAC rewrite. This category determines whether the person or family will be paid the standard for persons with an obligation to pay shelter.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Betty Brinkman, Division of Income Assistance, 438-8309.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, 45 CFR 233.20 (a)(2).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The definition for persons who qualify as households with an obligation to pay shelter is used to determine the payment standard.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on March 21, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by March 7, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Jefferson Street, Olympia, Washington 98504, Please Identify WAC Numbers, FAX (206) 586-8487, by March 14, 1995.

Date of Intended Adoption: March 22, 1995.

February 6, 1995 Dewey Brock, Chief Office of Vendor Services

AMENDATORY SECTION (Amending Order 3729, filed 4/6/94, effective 5/7/94)

WAC 388-250-1200 Standards of assistance—Basic requirements—Need and payment standards. (((1))) The statewide monthly need and payment standards for basic requirements shall be determined by whether a household has an obligation to pay shelter costs.

- (1) A household with an obligation to pay shelter costs includes:
- (a) A person owning, purchasing, or renting((7)). This includes payment of only costs of property taxes, or fire insurance, or sewer, or water, or garbage;
- (b) A person residing in a lower income housing project, assisted under the United States Housing Act of 1937, or Section 236 of the National Housing Act, if the person either pays rent or makes a utility payment in lieu of a rental payment((.-(2)));
- (c) A person or family who is homeless. Effective April 23, 1990, ((family or)) a person or family is considered homeless if ((they)) the person or family:
- (((a))) (i) Lacks a fixed, regular, and adequate nighttime residence; or
- (((b))) (ii) Resides in a public or privately operated shelter designed to provide temporary living accommodations; or
- (((e))) (iii) Lives in temporary lodging provided through a public or privately funded emergency shelter program.
- (((3))) (2) A household with shelter provided at no cost includes requirements for shelter, food, clothing, energy, personal maintenance and necessary incidentals, household maintenance and operations, and transportation.

WSR 95-05-020 PROPOSED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed February 7, 1995, 11:02 a.m.]

Original Notice.

Title of Rule: Finance - Categorical apportionment - State institutions education programs.

Purpose: Housekeeping.

Other Identifying Information: Chapter 392-122 WAC. Statutory Authority for Adoption: RCW 28A.150.290. Summary: Deleting portions of chapter 392-122 WAC pertaining to juvenile parole learning centers.

Reasons Supporting Proposal: State institution education funding is no longer provided for learning centers.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298; Implementation: Thomas J. Case, Superintendent of Public Instruction, Olympia, 753-6708; and Enforcement: David Moberly, Superintendent of Public Instruction, Olympia, 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on March 23, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by March 13, 1995, TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (206) 753-4201, by March 22, 1995.

Date of Intended Adoption: March 24, 1995.

February 6, 1995 Judith A. Billings Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

WAC 392-122-205 State institutional education program—Eligible programs. Programs supported as state institutional education programs include:

- (1) State operated group homes—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services to house adjudicated youth twenty-four hours a day;
- (2) ((Juvenile parole learning centers—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services for adjudicated youth residing in the community.

(3))) Juvenile detention centers—i.e., facilities maintained by counties for treatment and education of juveniles who have been placed under protective custody or have committed a criminal offense.

(((4))) (3) Institutions for juvenile delinquents—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services for the diagnosis, confinement and rehabilitation of juveniles committed by the courts.

(((5))) (4) Residential habilitation centers—i.e., facilities maintained by the division of developmental disabilities of the department of social and health services for care and treatment of persons with exceptional needs by reason of mental and/or physical deficiency.

AMENDATORY SECTION (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

WAC 392-122-221 Definition—State institutional education program—Enrollment exclusions. The following may not be counted as an enrolled institutional education program student:

- (1) A person whose educational activity has terminated.
- (2) A person who has transferred to another institution or school district.
 - (3) A residential institution student who:
- (a) Has not engaged in educational activity in the past five school days including days, excluding days of excused absence;
- (b) Has not engaged in educational activity in the past ten school days including days of excused absence; or
- (c) Is claimed by any school district as an enrolled student eligible for state basic education support pursuant to chapter 392-121 WAC.
 - ((4) A learning center student who:
 - (a) Is not court-involved; or
- (b) Has not participated in educational activity within the past twenty school days.))

AMENDATORY SECTION (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

WAC 392-122-230 Definition—State institutional education program—Annual average full-time equivalent (AAFTE) institutional education students. "Annual average full-time equivalent (AAFTE) institutional education students" means((÷

(1) For residential institutions,)) the average institutional education FTE students on the eleven institution enrollment count dates of the school year.

(((2) For learning centers, the average institutional education FTE students on the eight institution enrollment count dates of October through May.))

AMENDATORY SECTION (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

WAC 392-122-275 State institutional education program—School district reporting. Each school district operating an institutional education program shall report to the superintendent of public instruction as follows:

(1) The district shall report on Form E-672 the number of individual enrolled institutional education program

students and the number of institutional education full-time equivalent students on each institution enrollment count date.

- (2) Report forms shall be signed by the school district superintendent or a designated official of the school district.
- (3) ((A district-operating a learning center-shall also report learning center students for basic education support pursuant to chapter 392-121-WAC.
- (4) A district operating a learning center shall report only "court involved" learning center students as institutional education students on Forms E-672.
- (5))) Each school district operating an institutional education program shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the district's allocation of state institutional education program moneys.
- (((6))) (<u>4</u>) School district reporting shall be subject to chapter 392-117 WAC, Timely reporting.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-122-214 Definition—State institutional

education program—Court-

involved.

WAC 392-122-260 State institutional education

program—Basic education funding for state learning cen-

ters.

WSR 95-05-024 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)
[Filed February 8, 1995, 8:49 a.m.]

Continuance of WSR 94-24-073.

Title of Rule: Chapter 388-73 WAC, Child care agencies—Minimum licensing/certification requirements.

Purpose: Consolidates child day care center licensing in chapter 388-150 WAC, clarifies language, makes consistent with statute, deletes possible discriminatory language, and strengthens requirements for adoption agencies.

Name of Proponent: Department of Social and Health Services, governmental.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The SIC group identified as 8322 includes forty-three types of social service agencies. The only changes in this chapter which are substantive are those that apply to adoption agencies; the others are housekeeping changes. There are approximately thirty-eight adoption agencies in the state. There are thousands of persons and agencies in this group, especially if Aid to Families with Dependent Children is counted. Either way, adoption agencies clearly represent less than ten percent of the group.

Date of Intended Adoption: March 7, 1995.

February 8, 1995 Dewey Brock, Chief Office of Vendor Services

WSR 95-05-040 PROPOSED RULES DEPARTMENT OF SERVICES FOR THE BLIND

[Filed February 9, 1995, 2:16 p.m.]

Original Notice.

Title of Rule: WAC 67-35-030 Terms defined, 67-35-210 Department responsibility—Essential equipment and smallwares, 67-35-215 Vendor responsibility—Smallwares, 67-35-220 Department and vendor responsibility—Initial consumable stocks and cash, 67-35-230 Department and vendor responsibility—Maintained facility and equipment, 67-35-350 Vendor responsibility—Maintaining equipment, 67-35-360 Vendor responsibility—Termination of agreement, and 67-35-430 Reasons for suspension of license prior to evidentiary hearing.

Purpose: WAC 67-35-030, 67-35-210, 67-35-220, 67-35-230, 67-35-360, and 67-35-430 are amended due to changes in the vendor - agency relationship, per conditions under which vendors in the business enterprise program are to participate; WAC 67-35-215 is a new WAC, per conditions above; and WAC 67-35-350 is to be repealed, also per the above.

Statutory Authority for Adoption: Chapter 74.18 RCW. Summary: WAC 67-35-030 adds new terms due to change in conditions, as above; 67-35-210 is revised to reflect a change in agency responsibility; 67-35-215 is necessitated per vendor responsibility; 67-35-220 and 67-35-230 outline new conditions under which vendors and agency coparticipate in maintenance, etc.; 67-35-350 is obsolete, per above; 67-35-360 simplifies conditions upon termination; and 67-35-430 reinforces the consequences of violation of the new conditions.

Reasons Supporting Proposal: Outlines new conditions and responsibilities under which vendors and agency participate in the business enterprise program of Washington state.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bonnie Jindra, 1400 South Evergreen Park Drive S.W., Suite 100, 586-0275.

Name of Proponent: Department of Services for the Blind, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Explanation of Rule: The proposed changes reflect a change in the agency - vendor relationship whereby the agency will provide financial and other support to the vendor under specific conditions for a specific period of time.

Purpose: To allow the vendors in the business enterprise program to be more financially independent, which will also decrease the burden on state resources. Anticipated Effects: More vendor autonomy, less intervention on the part of the state, and therefore, more cooperation between the two.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. None required.

Hearing Location: Department of Services for the Blind, 1400 South Evergreen Park Drive S.W., Suite 100, Olympia, WA 98504-0933, on April 5, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Bonnie Jindra by April 2, 1995.

Submit Written Comments to: FAX (206) 586-7626, by March 17, 1995.

Date of Intended Adoption: May 10, 1995.

February 8, 1995 Bonnie Jindra Assistant Director

AMENDATORY SECTION (Amending WSR 94-11-054, filed 5/10/94, effective 6/10/94)

WAC 67-35-030 Terms defined. The terms defined in this section shall have the indicated meaning when used in this chapter.

- (1) "Agreement" means that document issued by the department to a blind licensee assigning responsibility for the management of a designated vending facility in accordance with these rules and the terms and conditions of the permit or contract.
- (2) "Blind" means visual acuity of no more than 20/200 in the better eye with correcting lenses; or if visual acuity is greater than 20/200, a limitation in the field of vision of the better eye so that its widest diameter subtends an angle of no greater than 20 degrees, as determined by an examination by a physician skilled in diseases of the eye, or an optometrist, whichever the person chooses.
- (3) "Blind licensee" or "licensee" means a person licensed by the department to operate a vending facility in the vending facility program, but who is not assigned a vending facility.
- (4) "Blind vendor" or "vendor" means a person licensed by the department to operate a vending facility in the vending facility program and who is assigned a vending facility.
- (5) "Contract" means the negotiated terms and conditions between the manager controlling federal or other property and the department covering the operation of a vending facility on federal or other property.
- (6) "Cost of goods purchased and other operating expenses" this item of the income statement includes the cost of goods purchased and the operating expenses such as maintenance of equipment, rent, utilities, insurance, Social Security, workmen's compensation, pest control, delivery services, licenses, state and local taxes.
- (7) "Department" means the Washington department of services for the blind.
- (8) "Equipment" means all appliances, utensils, counters, cupboards, storage devices, furniture and other furnishings used in the operation of the vending facility, to which the department retains title.
- (9) "Federal property" means any building, land or other real property owned, leased or occupied by any department,

agency or instrumentality of the United States including the Department of Defense and the United States Postal Service, or any other instrumentality wholly owned by the United States.

- (10) "Gross income" is the aggregate of gross sales, all machine income received by vendors, rebates and any other income received by the vending operations.
- (11) "License" means a written instrument issued by the department to a blind person authorizing that person to operate a vending facility on federal or other property.
- (12) "Management services" means supervision, inspection, quality control, consultation, accounting, regulating, inservice training, and other related services provided on a systematic basis to support and improve vending facilities operated by blind vendors. "Management services" does not include those services or costs which pertain to the ongoing operation of an individual facility after the initial establishment period.
- (13) "Net proceeds" (net profit) means the amount remaining from the sale of articles or services of vending facilities, and any vending machine or other income accruing to blind vendors after deducting the cost of such sale and other expenses (excluding set-aside charges required to be paid by blind vendors).
- (14) "Other property" means property which is not federal property.
- (15) "Permit" means the official approval given the department by another department, agency or instrumentality in control of the maintenance, operation and protection of federal property, or a person in control of other property, whereby the department is authorized to establish a vending facility.
- (16) "Public building" means any building which is owned by the state of Washington or any political subdivision thereof, and any space leased by the state of Washington or any political subdivision thereof in any privately-owned building: *Provided*, That any vending facility or vending machine under the jurisdiction and control of a local board of education shall not be included without the consent and approval of that local board.
- (17) "Program" means the vending facility program, (also known as the business enterprises program) including all of the activities, obligations and relationships described in this chapter.
- (18) "Set aside funds" means any income from vending machines on federal property received by the department and not paid to vendors as income under provision of 34 CFR, section 395.8 (a), (b), and (c).
- (19) "Vending facility" means cafeterias, snack bars, vending counters, vending carts, vending machines or any combination of the above, at which food, tobacco, refreshments or sundries are offered for sale, and which operate under the vending facility program. Vending facilities will be identified by the following classifications:
- (a) "Cafeteria" means a food dispensing vending facility capable of merchandising a broad variety of prepared foods and beverages. Characteristically, the cafeteria has specialized equipment, a food preparation area, and booths and tables for seating. Vending machines may be part of a cafeteria.
- (b) "Other types of facilities" means those facilities not included under the cafeteria or vending machine, such as

- snack bars, lunch counters and dry stands which provide a variety of articles dispensed manually by the vendor.
- (i) "Dry stand" means a vending facility which merchandises, among other things, tobacco, sundries and prepackaged food and refreshment items. Characteristically, the dry stand has no specialized equipment for refrigerating or heating foods or beverages, nor any food preparation area. Merchandise is consumed away from the dry stand. Vending machines may be a part of the dry stand.
- (ii) "Lunch counter" means a vending facility which merchandises, among other things, lines of refreshment and food items suitable for a light meal. Characteristically, the lunch counter has specialized equipment for the refrigerating, cooking or heating of foods and beverages, and has a limited food preparation area. Merchandise may be consumed at or away from the lunch counter. Vending machines may be part of the facility.
- (iii) "Snack bar" means a vending facility which merchandises, among other things, limited lines of refreshment and prepared food items. Characteristically, a snack bar has specialized equipment for refrigerating or heating foods and beverages but has no food preparation area. Merchandise may be consumed at or away from the snack bar. Vending machines may be a part of the facility.
- (c) "Vending machine facility" means a vending facility comprised of coin or currency operated machines merchandising, among other things, a variety of food and refreshment items. The vendor is responsible for the management of the machines and usually performs such functions as loading and servicing the machines and other customer-related services. Characteristically, there is no provision for booth or table seating at such a facility.
- (20) "Vending machine" means any coin-operated machine offering food, refreshments, tobacco or sundries for sale.
- (21) "Primary location" means any location that is acquired through the bid process pursuant to the provisions of WAC 67-35-070.
- (22) "Nonprimary location" means any location that is bid per WAC 67-35-070 and is awarded for a temporary period of time not to exceed one year from the date of award.
- (23) "Essential equipment" means those individual pieces of equipment, furnishings, and machinery which the department deems as basic and crucial to the operation of each particular vending facility.
- (24) "Smallwares" means all other equipment, furnishings, and machinery not specifically listed by the department as "essential equipment" for each particular vending facility.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-210 Department responsibility—((Initial equipment—Initial stock and supplies)) Essential equipment and smallwares. The department will provide ((suitable initial)) essential equipment ((necessary)) and initial smallwares the department deems appropriate for the efficient operation of the vending facility. ((The department will provide funds for the initial stock and supplies, necessary business licenses, fees and deposits, and minimum operating each required to commence operation of the

facility, as determined by the vending facility program.)) The right, title to, and interest in all initial equipment and smallwares will be vested in the department.

NEW SECTION

WAC 67-35-215 Vendor responsibility—Smallwares. The vendor is required to maintain all smallwares in good condition as established by the department at the time the vendor assumes operation of the facility. In the event that any smallwares must be replaced, the vendor will pay the cost of replacement.

In the event that a vendor should discontinue to operate the vending facility, the vendor or the vendor's heirs will furnish to the department an amount of smallwares equal to those initially provided for the vending facility, in suitable condition as determined by the department.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-220 ((Title to initial equipment—Right to)) Department and vendor responsibility—Initial consumable stocks and cash. ((The right, title to and interest in initial equipment as provided for in WAC 67-35-210 will be vested in the department. The right to and interest in the initial stock, and minimum-operating cash provided under WAC 67-35-210 shall continue with the department to the extent that should the vendor discontinue to operate the vending facility, the vendor or vendor's heirs will furnish to the department an equal monetary amount of saleable stock and eash which may be transferred to the next vendor.)) The department will provide funds for the initial consumable stocks and supplies, and minimum operating cash required to commence operation of the facility, as determined by the department.

The vendor will be required to repay the department for the initial consumable stocks and supplies and operating cash according to a set repayment plan as outlined in departmental policy.

The right to and interest in the initial consumable stock and operating cash will remain with the department until the vendor has repaid the department in full. In the event that a vendor should discontinue to operate the vending facility, the vendor or the vendor's heirs will furnish to the department an amount of saleable stock as determined by the department, and/or cash equal in monetary value to the amount currently owed to the department under the conditions of the repayment plan.

AMENDATORY SECTION (Amending WSR 94-15-052, filed 7/15/94, effective 8/15/94)

WAC 67-35-230 Department and vendor responsibility—Maintained facility and equipment. (1) The department will, within program resources, maintain or cause to be maintained each facility in good repair and attractive condition. The department will, within program resources, or in accordance with terms and conditions of the permit or contract, replace, or cause to be replaced obsolete or worn-out equipment((-

(2) Vendors shall pay repair charges for each separate repair job on vending facility equipment of two hundred

dollars or ten percent of the cost of repair, whichever is greater. For purposes of this subsection, repair or a repair job shall mean the cost associated with a single visit of a repair technician to a vending facility without respect to the amount of equipment being repaired, or multiple visits, and/or contact relative to the repair of a single item.

(3) When a vendor takes over the operation of a vending facility, the department will within program resources, pay for all repair charges during the first six months and the two hundred dollars or ten percent deduction will not apply.

(4) The remainder of the charges for repair or maintenance of vending facility equipment described in subsections (2) and (3) of this section shall be paid for from set aside funds. If set aside funds are entirely depleted, the vendor shall pay the costs of repair of vending facility equipment at his/her facility.

(5))) which has been deemed essential for the operation of the vending facility.

- (2) When a vendor takes over the operation of a vending facility, the department will, within program resources, pay for all repair charges during the first six months of operation. After the first six months of operation, the vendor will be required to pay the cost of all repairs and maintenance on all facility equipment. Failure to promptly repair essential equipment will be grounds for immediate suspension of a vendor's license prior to an evidentiary hearing (WAC 67-35-430).
- (3) The vendor will be responsible to exercise proper care of and maintain all equipment and furnishings assigned to the vending facility. This includes, but is not limited to, proper and regular cleaning and sanitation practices. A regular maintenance schedule will be provided by the vendor to the department for approval.
- (4) For purposes of this section, vending facility equipment shall include equipment provided by the department and equipment furnished as a part of the contract or permit for which the department and operator assumes the responsibility of maintenance.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-360 Vendor responsibility—((Miseellaneous equipment—Initial stock and supplies—Minimum operating eash))

Termination of agreement. ((It is the vendor's responsibility to maintain miseellaneous equipment, initial stock and supplies, and minimum operating eash originally furnished by the department, unless otherwise specified by the terms and conditions of a permit or contract.)) Any vendor whose agreement with the department has been terminated for any reason is responsible to return to the department miscellaneous equipment, smallwares, initial stock and supplies, and minimum operating cash equal in monetary value as determined by the department to those originally furnished by the vending facility program. Any vendor refusing to comply with the responsibilities in this section shall have their license terminated.

Proposed [6]

AMENDATORY SECTION (Amending WSR 89-21-046, filed 10/13/89, effective 11/13/89)

WAC 67-35-430 Reasons for suspension of license prior to evidentiary hearing. If the department determines that its right, title to and interest in a vending facility is in eminent jeopardy due to the action, or lack of action of the vendor or licensee, the department may suspend the license of the vendor or licensee and remove the vendor or licensee from the vending facility, pending an informal resolution of the problem, a full evidentiary hearing, or the decision of an ad hoc arbitration panel. The department may suspend a vendor or licensee for the following reasons:

- (1) Failure to provide the department with vendor financial reports, and to provide them within the established time frame.
- (2) Failure to purchase vendor liability insurance for his/ her vending facility as required in WAC 67-35-310 and/or failure to provide the department with proof of said insurance.
- (3) The vendor ceases to meet any of the requirements to qualify as a licensee or vendor as required in chapter 67-35 WAC.
- (4) The vendor or licensee abandons the vending facility. The vending facility shall be considered abandoned when no services are provided for three or more consecutive working days and/or when there is no designated employee in charge of the operation.
- (5) When the department decides that the vending facility is not being operated in accordance with the law, applicable regulations, terms and conditions of the permit, and/or contract or the vendor agreement governing such vending facilities.
- (6) Any willful or malicious destruction of, theft of, or any failure to exercise necessary care for the equipment furnished by the department or agency named in the permit and/or contract, inclusive of all repairs and maintenance as outlined in WAC 67-35-215 and 67-35-230.
- (7) When the conduct of the vendor seriously interferes with any aspect of the operation of the vending facility. Such conduct includes, but is not limited to, the following:
 - (a) Fraud.
- (b) Consumption of controlled substances and/or alcohol on the job.
 - (c) Inexcusable neglect of duties as a vendor.
 - (d) Embezzlement.
 - (e) Falsifying reports.
- (f) Failure to submit to a medical eye examination when requested by the department.
- (g) Any other actions or behavior which would seriously jeopardize the vending facility.
- (h) Failure to pay taxes, fees, and/or debts arising from the operation of the vending facility.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 67-35-350 Vendor responsibility—Maintaining equipment.

WSR 95-05-054 WITHDRAWAL OF PROPOSED RULES BUILDING CODE COUNCIL

(By the Code Reviser's Office) [Filed February 14, 1995, 8:15 a.m.]

WAC 51-34-7901, 51-35-09000, 51-35-52404, 51-35-52411, 51-35-52417, 51-35-52501, 51-35-52502, 51-35-52503, 51-35-52504, 51-35-52505, 51-35-52506, 51-35-52507, 51-35-52508 and 51-35-52509, proposed by the Building Code Council in WSR 94-16-113, appearing in issue 94-16 of the State Register, which was distributed on August 17, 1994, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor Washington State Register

WSR 95-05-055 WITHDRAWAL OF PROPOSED RULES BUILDING CODE COUNCIL

(By the Code Reviser's Office) [Filed February 14, 1995, 8:16 a.m.]

WAC 51-30-0311, 51-30-0417 and 51-30-0502, proposed by the Building Code Council in WSR 94-16-143, appearing in issue 94-16 of the State Register, which was distributed on August 16, 1994, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor Washington State Register

WSR 95-05-061 PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed February 14, 1995, 11:09 a.m.]

Original Notice.

Title of Rule: See Purpose below.

Purpose: Chapter 296-45 WAC, Safety standards for electrical workers, federal-initiated proposed amendments to chapter 296-45 WAC, published in Federal Register Volume 59, Number 152, dated August 9, 1994, are made to add requirements for personal fall arrest equipment to meet the requirements of the federal-initiated proposed amendments to chapter 296-155 WAC. Federal-initiated proposed amendments establish additional compliance requirements. State-initiated proposed amendments do not establish any additional compliance requirements.

Chapter 296-62 WAC, General occupational health standards, federal-initiated proposed amendments to the Hazard Communication Standards, published in Federal Register Volume 59, Number 245, dated December 12, 1994, are made to WAC 296-62-05403 (6)(c) to indicate that

chapter 296-62 WAC, Part C, does not apply to hazardous substances when the hazardous substance is the focus of remedial or removal action being conducted under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in accordance with Environmental Protection Agency regulations. Federal-initiated proposed amendments are made to the definition of "hazard warning" in WAC 296-62-05403(22) to replace the word "or" with the word "and" to indicate hazardous warning labels convey specific physical "and" health hazards, and to WAC 296-62-05413 to remove wording which allowed an alternative to maintaining a material safety data sheet file (providing material safety data sheets to employers buying hazardous chemicals). A proposed amendment also removes wording requiring wholesale distributors to notify employers of material safety data sheet availability. Federal and stateinitiated proposed amendments will not establish any additional compliance requirements.

Chapter 296-155 WAC, Safety standards for construction work, federal-initiated proposed amendments to chapter 296-155 WAC, published in Federal Register Volume 59, Number 152, dated August 9, 1994, set duty and criteria requirements for fall protection. The federal-final rule expanded the scope of fall protection to include guardrails, safety nets, safety belts and harnesses. The federal-final rule repealed or amended various sections on guarding opensided floors and platforms in 29 CFR 1926, Subpart M; as well as safety belts, lifelines, lanyards, and safety nets in 29 CFR 1926, Subpart E; merged Subpart M and Subpart E into a new Subpart M; and added new requirements for fall protection equipment or systems. (The state proposal merges comparable sections in chapter 296-155 WAC, Part K, into chapter 296-155 WAC, Part C-1, to make a new Part C-1.) Federal-initiated amendments also add new training requirements and five new nonmandatory appendixes. The federal standards are performance-oriented standards which consolidate and simplify many existing provisions such as safety nets, guardrails, safety belts and harnesses.

Chapter 296-155 WAC, Safety standards for construction work, the majority of the federal-final rule amendments for fall protection already exist in the state standards as a result of the January 10, 1991, adopted amendments to chapter 296-155 WAC. These previously adopted amendments were proposed as a result of negotiated rule making and the construction advisory committee review of the federal fall protection proposed rule. Because the state previously adopted the majority of the federal-final rule amendments in 1991, this amendment proposal primarily reorganizes existing requirements to be identical to the federal-final rule. For example, guarding opensided floor and platform requirements are moved from chapter 296-155 WAC, Part K, to chapter 296-155 WAC, Part C-1. Stateinitiated proposed amendments are made to correct various part and section references as a result of the federal-initiated amendments. Federal-initiated proposed amendments establish additional compliance requirements. State-initiated proposed amendments do not establish any additional compliance requirements.

Statutory Authority for Adoption: Chapter 49.17 RCW. Statute Being Implemented: RCW 49.17.040, [49.17].050, [49.17].060.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Marcia Holt, 7273 Linderson Way, Tumwater, WA, (360) 956-5530; Implementation and Enforcement: Frank P. Leuck, 7273 Linderson Way, Tumwater, WA, (360) 956-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, Federal Register Volume 59, Number 152, dated August 9, 1994; and Federal Register Volume 59, Number 245, dated December 12, 1994.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The department has reviewed the proposed amendments to determine if small business economic impact statements (SBEIS) are necessary to meet the requirements of the Regulatory Fairness Act, chapter 19.85 RCW. The department has determined the changes are primarily federal-initiated proposed amendments and an SBEIS is not required. (RCW 19.85.060(1) 1989)

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on March 24, 1995, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Linda Dausener by March 10, 1995, (360) 956-5516.

Submit Written Comments to: Frank Leuck, Assistant Director, Division of Consultation and Compliance, P.O. Box 44620, Olympia, WA 98507-4620, by March 31, 1995. In addition to written comments, the department will accept comments submitted to the following telefacsimile machine number: FAX (360) 956-5529 ((360) 902-5529 after February 21, 1995). Comments submitted by FAX must be ten pages or less. The department will respond to individuals submitting oral and written comments once a final determination has been reached on the adoption of the proposed amendments following the public hearing.

Date of Intended Adoption: April 25, 1995.

February 14, 1995 Mark O. Brown Director

AMENDATORY SECTION (Amending Order 94-16, filed 9/30/94, effective 11/20/94)

WAC 296-45-65047 Specification for lineworker's belts and similar equipment. (1) All hardware for lineworker's body belts, safety straps and lanyards shall be drop forged or pressed steel and have a corrosive resistive finish tested to the American Society for Testing and Materials B117 as published in 1964 (50 hour test). Surfaces shall be smooth and free from sharp edges.

- (a) All buckles shall be those guaranteed by the manufacturer as having at least a 2,000-pound tensile strength with a maximum permanent deformation no greater than one sixty-fourth inch.
- (b) All "D" rings shall be those guaranteed by the manufacturer as having at least a 5,000-pound tensile strength without cracking or breaking.

- (c) All snap hooks shall be those guaranteed by the manufacturer as having at least a 5,000-pound tensile strength without distortion sufficient to release the keeper.
- (d) All fabric used for safety straps shall be guaranteed by the manufacturer as being capable of withstanding either AC or DC dielectric test of not less than 25,000 volts per foot "dry" for 3 minutes without visible deterioration.
- (e) All fabric and leather used shall be that which has been represented by the manufacturer as having been tested for leakage current of 1 milliampere with a potential 3,000 volts when applied to the electrodes positioned 12 inches apart.
- (f) The cushion part of the body belt may be either leather or other material provided that it;
 - (i) Has no exposed rivets on the inside;
 - (ii) Is at least 3 inches in width;
- (iii) Is at least five thirty-seconds inch thick, if made of leather; or have equivalent strength if made of other material.
- (iv) Has pocket tabs that extend at least 1-1/2 inches down and three inches back of the inside of circle of each "D" ring for riveting on plier or tool pockets. On shifting "D" belts, this measurement for pocket tabs shall be taken when the "D" ring section is centered.
- (v) A maximum of four tool loops shall be so situated on the body belt that four inches of the body belt in the center of the back, measuring from "D" ring to "D" ring, shall be free of tool loops and any other attachments.
- (vi) All stitching shall be of minimum 42-pound weight nylon or equivalent thread and shall be lock stitched. Stitching parallel to an edge shall not be less than three-sixteenths inch from edge of narrowest member caught by the thread. The use of cross-stitching on leather is prohibited. Approved copper, steel or equivalent liners shall be used around the bar of "D" rings to reduce the wear.
- (vii) The keeper of snap hooks shall have a spring tension that will not allow the keeper to begin to open with a weight of 2-1/2 pounds or less, but the keeper of snap hooks shall begin to open with a weight of four pounds, when the weight is supported on the keeper against the end of the nose.
- (2) Testing lineworker's safety straps, body belts and lanyards shall be in accordance with the following procedure:
- (a) Attach one end of the safety strap or lanyard to a rigid support, the other end shall be attached to a 250-pound canvas bag of sand;
- (b) Allow the 250-pound canvas bag of sand to free fall 4 feet for (safety strap test) and 6 feet for (lanyard test), in each case stopping the fall of the 250-pound bag;
- (c) Failure of the strap or lanyard shall be indicated by any breakage, or slippage sufficient to permit the bag to fall free of the strap or lanyard. The entire "body belt assembly" shall be tested using one "D" ring. A safety strap or lanyard shall be used that is capable of passing the "impact loading test" and attached as required in item (a) of this subdivision. The body belt shall be secured to the 250-pound bag of sand at a point to simulate the waist of a man and allowed to drop as stated in item (b) of this subdivision. Failure of the body belt shall be indicated by any breakage, or slippage sufficient to permit the bag to fall free of the body belt.

(d) ((Life-lines and lanyards shall comply with the provisions)) Fall protection. Personal fall arrest equipment shall meet the requirements of Part C-1, chapter 296-155 WAC.

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

WAC 296-62-05403 Scope and application. (1) This part requires chemical manufacturers or importers to assess the hazards of chemicals which they produce or import, and all employers to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program, labels and other forms of warning, material safety data sheets, and information and training. In addition, this part requires distributors to transmit the required information to employers.

Employers who do not produce or import chemicals need only focus on those parts of this rule that deal with establishing a workplace program and communicating information to their workers. Appendix E of this section is a general guide for such employers to help them determine their compliance obligations under the rule.

Employers within Washington state are required to use the permissible exposure limits (PELs) established in Washington state as listed in the general occupational health standard, WAC 296-62-075, for evaluation of employee exposures and training even though the Occupational Safety and Health Administration (OSHA) PELs or American Conference of Governmental Industrial Hygienists (ACGIH) threshold limit values (TLVs) may be printed on a material safety data sheet (MSDS).

- (2) This part applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.
 - (3) This part applies to laboratories only as follows:
- (a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced:
- (b) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible to laboratory employees when they are in their work areas;
- (c) Employers shall ensure that laboratory employees are provided information and training in accordance with WAC 296-62-05415, except for the location and availability of the written hazard communication program under WAC 296-62-05415 (1)(c); and

Note: Laboratories are not required to have a written hazard communication program, but they may be required to have a written chemical hygiene plan under WAC 296-62-400.

- (d) Laboratory employers that ship hazardous chemicals are considered to be either a chemical manufacturer or a distributor under this rule, and thus must ensure that any containers of hazardous chemicals leaving the laboratory are labeled in accordance with WAC 296-62-05411, and that a material safety data sheet is provided to distributors and other employers in accordance with WAC 296-62-05413.
- (4) In work operations where employees only handle chemicals in sealed containers which are not opened under normal conditions of use (such as are found in marine cargo

handling, warehousing, or retail sales), this part applies to these operations only as follows:

- (a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced:
- (b) Employers shall maintain copies of any material safety data sheets that are received with incoming shipments of the sealed containers of hazardous chemicals, shall obtain a material safety data sheet as soon as possible for sealed containers of hazardous chemicals received without a material safety data sheet if an employee requests the material safety data sheet, and shall ensure that the material safety data sheets are readily accessible during each work shift to employees when they are in their work area(s); and
- (c) Employers shall ensure that employees are provided with information and training in accordance with WAC 296-62-05415 (except for the location and availability of the written hazard communication program under WAC 296-62-05415 (1)(c)) to the extent necessary to protect them in the event of a spill or leak of a hazardous chemical from a sealed container.
- (5) This part does not require labeling of the following chemicals:
- (a) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when subject to the labeling requirements of that act and labeling regulations issued under that act by the Environmental Protection Agency;
- (b) Any chemical substance or mixture as such terms are defined in the Toxic Substance Control Act (15 U.S.C. 2601 et seq.), when subject to the labeling requirements of that act and labeling requirements issued under that act by the Environmental Protection Agency;
- (c) Any food, food additive, color additive, drug, cosmetic, or medical or veterinary device or product, including materials intended for use as ingredients in such products (e.g., flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Virus-Serum Toxin Act of 1913 (21 U.S.C. 151 et seq.) and regulations issued under those acts, when they are subject to the labeling requirements under those acts by either the Food and Drug Administration or the department of agriculture;
- (d) Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that act, when subject to the labeling requirements of that act and labeling regulations issued under that act by the Bureau of Alcohol, Tobacco, and Firearms;
- (e) Any consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety standard or labeling requirement of those acts, or regulations issued under those acts by the Consumer Product Safety Commission; and
- (f) Agricultural or vegetable seed treated with pesticides and labeled in accordance with the Federal Seed Act (7 U.S.C. 1551 et seq.) and the labeling requirements issued under that act by the department of agriculture.
 - (6) This part does not apply to:

- (a) Any hazardous waste as such term is defined by the Hazardous Waste Management Act chapter 70.105 RCW, when subject to regulations issued under that act by the department of ecology which describes specific safety, labeling, personnel training and other standards for the accumulation, handling and management of hazardous waste;
- (b) Any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that act by the Environmental Protection Agency;
- (c) Any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation((7)) and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.), when ((subject to regulations issued under that act by)) the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with Environmental Protection Agency regulations;
 - (d) Tobacco or tobacco products;
- (e) Wood or wood products, including lumber which will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to the employees is the potential for flammability or combustibility (wood or wood products which have been treated with hazardous chemicals covered by this standard, and wood which may be subsequently sawed or cut, generating dust, are not exempted);
- (f) Articles (as that term is defined in WAC 296-62-05405(1));
- (g) Food or alcoholic beverages which are sold, used, or prepared in a retail establishment (such as grocery store, restaurant, or drinking place), and foods intended for personal consumption by employees while in the workplace;
- (h) Any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (e.g., tablets or pills); drugs which are packaged by the chemical manufacturer for sale to consumers in a retail establishment (e.g., over-the-counter drugs); and drugs intended for personal consumption by employees while in the workplace (e.g., first aid supplies);
- (i) Cosmetics which are packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the workplace;
- (j) Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substance Act (15 U.S.C. 1261 et seq.) respectively, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure which is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended;
 - (k) Ionizing and nonionizing radiation; and
 - (l) Biological hazards.

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

- WAC 296-62-05405 Definitions applicable to this part. (1) Article means a manufactured item other than a fluid or particle:
- (a) Which is formed to a specific shape or design during manufacture:
- (b) Which has end use function(s) dependent in whole or in part upon its shape or design during end use; and
- (c) Which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under WAC 296-62-05407), and does not pose a physical hazard or health risk to employees.
- (2) Chemical means any element, chemical compound or mixture of elements and/or compounds.
- (3) Chemical manufacturer means an employer with a workplace where chemical(s) are produced for use or distribution.
- (4) Chemical name means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.
- (5) Combustible liquid means any liquid having a flashpoint at or above 100°F (37.8°C), but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C), or higher, the total volume of which make up ninety-nine percent or more of the total volume of the mixture.
- (6) Commercial account means an arrangement whereby a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time and/or at costs that are below the regular retail price.
- (7) Common name means any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.
 - (8) Compressed gas means:
- (a) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or
- (b) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or
- (c) A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.
- (9) Container means any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this part, pipes or piping systems are not considered to be containers.
- (10) Designated representative means any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.
- (11) Director means the director of the department of labor and industries or his/her designee.

- (12) Distributor means a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to employers.
- (13) Employee means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise. However, for the purposes of this part, employee shall not mean immediate family members of the officers of any corporation, partnership, sole proprietorship, or other business entity or officers of any closely held corporation engaged in agricultural production of crops or livestock. This part applies to employees who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies.
- (14) Employer means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees or who contract with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations. This part applies to employers engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor.
- (15) Explosive means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.
- (16) Exposure or exposed means that an employee is/ was subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g., accidental or possible) exposure.
- (17) Flammable means a chemical that falls into one of the following categories:
- (a) Aerosol flammable means an aerosol that, when tested by the method described in 16 CFR 1500.45 yields a flame projection exceeding eighteen inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;
 - (b) Gas, flammable means:
- (i) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of thirteen percent by volume or less; or
- (ii) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than twelve percent by volume, regardless of the lower limit;
- (c) Liquid, flammable means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up ninety-nine percent or more of the total volume of the mixture.
- (d) Solid, flammable means a solid, other than a blasting agent or explosive as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which

can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

- (18) Flashpoint means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:
- (a) Tagliabue closed tester: (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or
- (b) Pensky-Martens closed tester: (See American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or
- (c) Setaflash closed tester: (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Note: Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

- (19) Foreseeable emergency means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.
- (20) Hazardous chemical means any chemical which is a physical hazard or a health hazard.
- (21) Hazard warning means any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the specific physical ((or)) and health hazard(s), including target organ effects, of the chemical(s) in the container(s). (See definition for "physical hazard" and "health hazard" to determine the hazards which must be covered.)
- (22) Health hazard means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Appendix A provides further definitions and explanations of the scope of health hazards covered by this part, and Appendix B describes the criteria to be used to determine whether or not a chemical is to be considered hazardous for purposes of this standard.
- (23) Identity means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

- (24) Immediate use means that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.
- (25) Importer means the first business within the Customs Territory of the United States which receives hazardous chemicals produced in other countries, for the purpose of supplying them to distributors or employers within the United States.
- (26) Label means any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.
- (27) Material safety data sheet (MSDS) means written or printed material concerning a hazardous chemical which is prepared in accordance with WAC 296-62-05413.
- (28) Mixture means any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.
- (29) Organic peroxide means an organic compound that contains the bivalent-0-0-structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.
- (30) Oxidizer means a chemical other than a blasting agent or explosive as defined in WAC 296-52-417 or CFR 1910.109(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.
- (31) Permissible exposure limits (PELs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. The permissible exposure limits (PELs) shall include the following four categories:
- (a) Permissible exposure limits Time-weighted average (PEL-TWA) is the time weighted average airborne exposure to any 8-hour work shift of a 40-work week which shall not be exceeded.
- (b) Permissible exposure limits Short-term exposure limit (PEL-STEL) is the employee's 15-minute time weighted average exposure which shall not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time weighted average exposure over that time period shall not be exceeded at any time during the working day.
- (c) Permissible exposure limits Ceiling (PEL-C) is the employee's exposure which shall not be exceeded during any part of the work day. If instantaneous monitoring is not feasible, then the ceiling shall be assessed as a 15-minute time weighted average exposure which shall not be exceeded at any time over a working day.
- (d) "Skin" notation is the potential contribution to the overall employee exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. These substances are identified as having a "skin" notation in the OSHA and WISHA PEL tables (29 CFR Part 1910 Subpart Z and WAC 296-62-075, respectively).
- (32) Physical hazard means a chemical for which there is scientifically valid evidence that it is a combustible liquid,

a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

- (33) Produce means to manufacture, process, formulate, blend, extract, generate, emit, or repackage.
- (34) Purchaser means an employer with a workplace who purchases a hazardous chemical for use within that workplace.
- (35) Pyrophoric means a chemical that will ignite spontaneously in air at a temperature of 130°F (54.4°C) or below.
- (36) Responsible party means someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.
- (37) Specific chemical identity means the chemical name, Chemical Abstracts Service (CAS) registry number, or any other information that reveals the precise chemical designation of the substance.
- (38) Threshold limit values (TLVs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. The TLV includes the TLV-Time weighted average (TLV-TWA), TLV-Short term exposure limit (TLV-STEL), TLV-Ceiling (TLV-Ceiling) and "skin" notation as stated in the most recent edition of the 'Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices' from the American Conference of Governmental Industrial Hygienists (ACGIH).
- (39) Trade secret means any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. WAC 296-62-05427, Appendix D, provides a legal definition of trade secret and WAC 296-62-05417 sets out the criteria to be used in evaluating trade secrets.
- (40) Unstable (reactive) means a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.
- (41) Use means to package, handle, react, emit, extract, generate as a by-product, or transfer.
- (42) Water-reactive means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.
- (43) Work area means a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.
- (44) Workplace means an establishment, job site, or project, at one geographical location containing one or more work areas.

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

WAC 296-62-05413 Material safety data sheets. (1) Chemical manufacturers and importers shall obtain or develop a material safety data sheet (MSDS) for each hazardous chemical they produce or import. Employers shall

have a material safety data sheet for each hazardous chemical which they use.

- (2) Each material safety data sheet shall be in English (although the employer may maintain copies in other languages as one way to provide employees with effective information and training as required by WAC 296-62-05415) and shall contain at least the following information:
- (a) The identity used on the label, and, except as provided for in WAC 296-62-05417 on trade secrets:
- (i) If the hazardous chemical is a single substance, its chemical and common name(s):
- (ii) If the hazardous chemical is a mixture which has been tested as a whole to determine its hazards, the chemical and common name(s) of the ingredients which contribute to these known hazards, and the common name(s) of the mixture itself; or
- (iii) If the hazardous chemical is a mixture which has not been tested as a whole:
- (A) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise 1% or greater of the composition, except that chemicals identified as carcinogens under WAC 296-62-05407(4) shall be listed if the concentrations are 0.1% or greater; and
- (B) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise less than one percent (0.1% for carcinogens) of the mixture, if there is evidence that the ingredient(s) could be released from the mixture in concentrations which would exceed an established WISHA or OSHA permissible exposure limit or ACGIH Threshold Limit Value, or could present a health risk to employees; and
- (C) The chemical and common name(s) of all ingredients which have been determined to present a physical hazard when present in the mixture;
- (b) Physical and chemical characteristics of the hazardous chemical (such as vapor pressure, flash point);
- (c) The physical hazards of the hazardous chemical, including the potential for fire, explosion, and reactivity;
- (d) The acute and chronic health hazards of the hazardous chemical, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the chemical;
 - (e) The primary route(s) of entry;
- (f) The WISHA or OSHA permissible exposure limit, ACGIH threshold limit value, and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the material safety data sheet (the PELs and TLVs include the 8-hour TWA, STEL, ceiling value and skin notation defined in WAC 296-62-05405), where available;
- (g) Whether the hazardous chemical is listed in the National Toxicology Program (NTP) Annual Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions), or by WISHA or OSHA;
- (h) Any generally applicable precautions for safe handling and use which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, including appropriate hygienic practices, protective

measures during repair and maintenance of contaminated equipment, and procedures for clean-up of spills and leaks;

- (i) Any generally applicable control measures which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, such as appropriate engineering controls, work practices, or personal protective equipment;
 - (j) Emergency and first aid procedures;
- (k) The date of preparation of the material safety data sheet or the last change to it; and
- (1) The name, address and telephone number of the chemical manufacturer, importer, employer or other responsible party preparing or distributing the material safety data sheet, who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.
- (3) If no relevant information is found for any given category on the material safety data sheet, the chemical manufacturer, importer or employer preparing the material safety data sheet shall mark it to indicate that no applicable information was found.
- (4) Where complex mixtures have similar hazards and contents (i.e. the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer or employer may prepare one material safety data sheet to apply to all of these similar mixtures.
- (5) The chemical manufacturer, importer or employer preparing the material safety data sheet shall ensure that the information recorded accurately reflects the scientific evidence used in making the hazard determination. If the chemical manufacturer, importer or employer preparing the material safety data sheet becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information shall be added to the material safety data sheet within three months. If the chemical is not currently being produced or imported the chemical manufacturer or importer shall add the information to the material safety data sheet before the chemical is introduced into the workplace again.
- (6)(a) Chemical manufacturers or importers shall ensure that distributors and employers are provided an appropriate material safety data sheet with their initial shipment, and with the first shipment after a material safety data sheet is updated;
- (b) The chemical manufacturer or importer shall either provide material safety data sheets with the shipped containers or send them to the distributor or employer prior to or at the time of the shipment;
- (c) If the material safety data sheet is not provided with a shipment that has been labeled as a hazardous chemical, the distributor or employer shall obtain one from the chemical manufacturer or importer as soon as possible; and
- (d) The chemical manufacturer or importer shall also provide distributors or employers with a material safety data sheet upon request.
- (7) (a) Distributors shall ensure that material safety data sheets, and updated information, are provided to other distributors and employers with their initial shipment and with the first shipment after a material safety data sheet is updated;

- (b) The distributor shall either provide material safety data sheets with the shipped containers, or send them to the other distributor or employer prior to or at the time of the shipment;
- (c) Retail distributors selling hazardous chemicals to employers having a commercial account shall provide a material safety data sheet to such employers upon request, and shall post a sign or otherwise inform them that a material safety data sheet is available;
- (d) Wholesale distributors selling hazardous chemicals to employers over-the-counter may also((, as an alternative to keeping a file of material safety data sheets for all hazardous chemicals they sell,)) provide material safety data sheets ((upon the request of the employer at the time of the over-the counter purchase, and shall post a sign or otherwise inform such employers that a material safety data sheet is available));
- (e) If an employer without a commercial account purchases a hazardous chemical from a retail distributor not required to have material safety data sheets on file (i.e., the retail distributor does not have a commercial account and does not use the materials), the retail distributor shall provide the employer, upon request, with the name, address, and telephone number of the chemical manufacturer, importer, or distributor from which a material safety data sheet can be obtained;
- (f) Wholesale distributors shall also provide material safety data sheets to employers or other distributors upon request; and
- (g) Chemical manufacturers, importers, and distributors need not provide material safety data sheets to retail distributors that have informed them that the retail distributor does not sell the product to commercial accounts or open the sealed container to use it in their own workplaces.
- (8) The employer shall maintain in the workplace copies of the required material safety data sheets for each hazardous chemical, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s). (Electronic access, microfiche, and other alternatives to maintaining paper copies of the material safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options.)
- (9) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the material safety data sheets may be kept at a central location at the primary workplace facility. In this situation, the employer shall ensure that employees can immediately obtain the required information in an emergency.
- (10) Material safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the required information is provided for each hazardous chemical, and is readily accessible during each work shift to employees when they are in their work area(s).
- (11) Material safety data sheets shall also be made readily available, upon request, to designated representatives and to the director or his/her designee in accordance with the

requirements of WAC 296-62-05209. NIOSH shall also be given access to material safety data sheets in the same manner.

- (12) If a purchaser has not received a material safety data sheet within thirty calendar days after making a written request to the chemical manufacturer, importer, or distributor in accordance with WAC 296-62-05413(6), he/she may make a written request for assistance to the Department of Labor and Industries, Right-to-Know Program, P.O. Box 44610, Olympia, Washington 98504-4610. Such written request shall include:
- (a) A copy of the purchaser's written request to the chemical manufacturer, importer, or distributor;
- (b) The name of the product suspected of containing a hazardous chemical;
 - (c) The identification number of the product if available;
 - (d) A copy of the product label if available; and
- (e) The name and address of the chemical manufacturer, importer, or distributor from whom the product was obtained.

Upon receipt of a written request for material safety data sheet, the department shall attempt to procure the material safety data sheet from the chemical manufacturer, importer or distributor and upon procurement, shall forward a copy of the material safety data sheet at no cost to the purchaser. In providing this service priority will be given to small employers.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-155-500 ((Definitions applicable to this part. (1) "Built up roofing" means a weatherproofing cover, applied over roof decks, consisting of either a liquid applied system, a single ply system, or a multiple ply system. Liquid-applied systems generally consist of silicone rubber, plastics, or similar material applied by spray or roller equipment. Single ply systems generally consist of a single layer of synthetic rubber, plastic, or similar material, and a layer of adhesive. Multiple ply systems generally consist of layers of felt and bitumen, and may be covered with a layer of mineral aggregate.

- (2) "Built up roofing work" means the hoisting, storage, application, and removal of built-up roofing materials and equipment, including related insulation, sheet metal, and vapor barrier work, but not including the construction of the roof deck.
- (3) "Floor hole" means an opening measuring less than 12 inches but more than 1 inch in its least dimension in any floor, roof, or platform through which materials but not persons may fall, such as a belt hole, pipe opening, or slot opening.
- (4) "Floor opening" means an opening measuring 12 inches or more in its least dimension in any floor, roof, or platform, through which persons may fall.
- (5) "Handrail" means a rail used to provide employees with a handhold for support.
- (6) "Low-pitched roof" means a roof having a slope less than or equal to four in twelve.
- (7) "Mechanical equipment" means all motor or human propelled wheeled equipment except for wheelbarrows and mopearts.

- (8) "Nose, nosing" means that portion of a tread projecting beyond the face of the riser immediately below.
- (9) "Platform" means a walking/working surface for persons, elevated above the surrounding floor or ground, such as a balcony or platform for the operation of machinery and equipment.
- (10) "Riser height" means the vertical distance from the top of a tread to the top of the next higher tread or platform/landing or the distance from the top of a platform/landing to the top of the next-higher tread or platform/landing.
- (11) "Roof" means the exterior surface on the top of a building. This does not include floors which, because a building has not been completely built, temporarily become the top surface of a building.
- (12) "Runway" means a passageway for persons, elevated above the surrounding floor or ground level, such as a footwalk along shafting or a walkway between buildings.
- (13) "Safety monitoring system" means a safety system in which a competent person monitors the safety of all employees in a roofing crew, and warns them when it appears to the monitor that they are unaware of the hazard or are acting in an unsafe manner. The competent person must be on the same roof and within visual distance of the employees, and must be close enough to verbally communicate with the employees.
- (14) "Stair platform" means an extended step or landing breaking a continuous run of stairs.
- (15) "Stairrail-system" means a vertical barrier erected along the unprotected-sides and edges of a stairway to prevent employees from falling to lower levels. The top surface of a stairrail system may also be a "handrail."
- (16) "Stairs, stairways" means a series of steps leading from one level or floor to another, or leading to platforms, pits, boiler rooms, erossovers, or around machinery, tanks, and other equipment that are used more or less continuously or routinely by employees or only occasionally by specific individuals. For the purpose of this part, a series of steps and landings having three or more rises constitutes stairs or stairway.
- (17) "Standard railing" means a vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.
- (18) "Standard strength and construction" means any construction of railings, covers, or other guards that meets the requirements of this part.
- (19) "Toeboard" means a vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials.
- (20) "Tread depth" means the horizontal distance from front to back of tread (excluding nosing, if any).
- (21) "Unprotected side or edge" means any side or edge of a roof perimeter where there is no wall three feet (.9 meters) or more in height.
- (22) "Wall-opening" means an opening at least 30 inches high and 18 inches wide, in any wall or partition, through which persons may fall, such as an opening for a window, a yard arm doorway or chute opening.
- (23) "Work area" means that portion of a roof where built-up roofing work is being performed.)) Reserved.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

- WAC 296-155-505 ((Guardrails, handrails, and covers. (1) General provisions. This part applies to temporary or emergency conditions where there is danger of employees or materials falling through floor, roof, or wall openings, or from stairways, runways, ramps, open sided floors, open sides of structures, bridges, or other open sided walking or working surfaces. When guardrails or covers required by this section must be temporarily removed to perform a specific task, the area shall be constantly attended by a monitor to warn others of the hazard or shall be protected by a movable barrier.
 - (2) Guarding of floor openings and floor holes.
- (a) Floor openings shall be guarded by a standard railing and toe boards or cover, as specified in subsections (2)(g) and (5) of this section. In general, the railing shall be provided on all exposed sides, except at entrances to stairways. All vehicle service pits shall have a cover or removable type standard guardrail. When not in use, pits shall be covered or guarded. Where vehicle service pits are to be used again immediately, and the service person is within a 50 foot distance of the unguarded pit and also within line of sight of the unguarded pit, the cover or guardrail need not be replaced between uses. Where vehicle service pits are used frequently, the perimeters of the pits shall be delineated by high visibility, luminescent, skid resistant paint. Such painted delineation shall be kept clean and free of extraneous materials.
- (b) Ladderway floor openings or platforms shall be guarded by standard railings with standard toe boards on all exposed sides, except at entrance to opening, with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.
- (e) Hatchways and chute floor openings shall be guarded by one of the following:
- (i) Hinged covers of standard strength and construction and a standard railing with only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings;
- (ii) A removable standard railing with toe board on not more than two sides of the opening and fixed standard railings with toe boards on all other exposed sides. The removable railing shall be kept in place when the opening is not in use and shall be hinged or otherwise mounted so as to be conveniently replaceable.
- (d) Wherever there is danger of falling through a skylight opening, and the skylight itself is not capable of sustaining the weight of a two hundred pound person with a safety factor of four, standard guardrails shall be provided on all exposed sides or the skylight shall be covered in accordance with (g) of this subsection.
- (e) Pits and trap door floor openings shall be guarded by floor opening covers of standard strength and construction. While the cover is not in place, the pit or trap openings shall be protected on all exposed sides by removable standard railings.
- (f) Manhole floor openings shall be guarded by standard covers which need not be hinged in place. While the cover

- is not in place, the manhole opening shall be protected by standard railings.
- (g) All floor opening covers shall be capable of supporting the maximum potential load but never less than two hundred pounds (with a safety factor of four).
- (i) The cover shall be recessed to conform to the level of the surrounding floor or to be flush with the perimeter of the opening.
- (ii) The cover shall be secured by fastening devices to prevent unintentional removal.
- (iii) If it becomes necessary to remove the cover, a monitor shall remain at the opening until the cover is replaced. The monitor shall advise persons entering the area of the hazard, shall prevent exposure to the fall hazard and shall perform no other duties.
- (h) Floor holes, into which persons can accidentally walk, shall be guarded by either a standard-railing with standard toe board on all exposed sides, or a floor hole cover of standard strength and construction that is secured against accidental displacement. While the cover is not in place, the floor hole shall be protected by a standard railing.
 - (3) Guarding of wall openings.
- (a) Wall-openings, from which there is a drop of more than 4 feet, and the bottom of the opening is less than 3 feet above the working surface, shall be guarded as follows:
- (i) When the height and placement of the opening in relation to the working surface is such that either a standard rail or intermediate rail will effectively reduce the danger of falling, one or both shall be provided;
- (ii) The bottom of a wall opening, which is less than 4 inches above the working surface, regardless of width, shall be protected by a standard toe board or an enclosing screen either of solid construction or as specified in (5)(e)(ii) of this section.
- (b) An extension platform, outside a wall opening, onto which materials can be hoisted for handling shall have standard guardrails on all exposed sides or equivalent. One side of an extension platform may have removable railings in order to facilitate handling materials.
- (e) When a chute is attached to an opening, the provisions of (a) of this subsection shall apply, except that a toe board is not required.
 - (4) Guarding of open-sided surfaces.
- (a) Every open sided floor, platform or surface four feet or more above adjacent floor or ground level shall be guarded by a standard railing, or the equivalent, as specified in subsection (5)(a) of this section, on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a standard toe board wherever, beneath the open sides, persons can pass, or there is moving machinery, or there is equipment with which falling materials could create a hazard.
- (b) Runways shall be guarded by a standard railing, or the equivalent, as specified in subsection (5) of this section, on all open sides, 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toe board shall also be provided on each exposed side.
- (e) Runways used exclusively for special purposes may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling

hazard is minimized by using a runway not less than-18 inches wide.

- (d) Where employees entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding shall be provided.
- (e) Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards, shall be guarded with a standard railing and toe-board.
- (f) Open sides of gardens, patios, recreation areas and similar areas located on roofs of buildings or structures shall be guarded by permanent standard railings or the equivalent. Where a planting area has been constructed adjacent to the open sides of the roof and the planting area is raised above the normal walking surface of the roof area, the open side of the planting area shall also be protected with standard railings or the equivalent.
 - (5) Standard specifications.
- (a) A standard railing shall consist of top rail, intermediate rail, toe board, and posts, and shall have a vertical height of 36 inches to 42 inches from upper surface of top rail to floor, platform, runway, or ramp level. Each length of lumber shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard. Minimum requirements for standard railings under various types of construction are specified in the following items:
- (i) For wood railings, the posts shall be of at least 2 inch by 4 inch stock spaced not to exceed 8 feet; the top rail shall be of at least 2 inch by 4 inch stock; the intermediate rail shall be of at least 1 inch by 6 inch stock.
- (ii) For pipe railings, posts and top and intermediate railings shall be at least 1 1/2 inches nominal OD diameter with posts spaced not more than 8 feet on centers.
- (iii) For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by 3/8-inch angles or other metal shapes of equivalent bending strength, with posts spaced not more than 8 feet on centers.
- (iv) For wire rope railings, the top and intermediate railings shall be at least 1/2-inch fibre core rope, or the equivalent to meet strength factor and deflection of subsection (5)(a)(v). Posts shall be spaced not more than 8 feet on centers. The rope shall be stretched taut, so as to present a minimum deflection.
- (v) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail, with a minimum of deflection.
- (vi) Railings receiving heavy stresses from employees trucking or handling materials shall be provided additional strength by the use of heavier stock, closer spacing of posts, bracing, or by other means.
- (vii) Other types, sizes, and arrangements of railing construction are acceptable, provided they meet the following conditions:

- (A) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of between 36 inches and 42 inches:
- (B) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure with a minimum of deflection;
- (C) Protection between top rail and floor, platform, runway, ramp, or stair-treads, equivalent at least to that afforded by a standard intermediate rail;
- (D) Elimination of overhang of rail ends unless such overhang does not constitute a hazard.
- (b)(i) A standard toe board shall be 4 inches minimum in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and have not more than 1/4 inch clearance above floor level. It may be made of any substantial material, either solid, or with openings not over 1 inch in greatest dimension.
- (ii) Where material is piled to such height that a standard toe board does not provide protection, paneling, or screening from floor to intermediate rail or to top rail shall be provided.
- (e) Floor opening covers shall be of any material that meets the following strength requirements:
- (i) Conduits, trenches, and manhole covers and their supports, when located in roadways, and vehicular aisles shall be designed to carry a truck rear axle load of at least 2 times the maximum intended load;
- (ii) All floor opening covers shall be capable of supporting the maximum potential load but never less than two hundred pounds (with a safety factor of four).
- (A) The cover shall be recessed to conform to the level of the surrounding floor or to be flush with the perimeter of the opening.
- (B) The cover shall be secured by fastening devices to prevent unintentional removal.
- (C) If it becomes necessary to remove the cover, a monitor-shall-remain at the opening until the cover is replaced. The monitor shall advise persons entering the area of the hazard, shall-prevent exposure to the fall hazard and shall-perform no other duties.
- (d) Skylight openings that create a falling hazard shall be guarded with a standard railing, or covered in accordance with (c)(ii) of this subsection.
- (e) Wall opening protection shall meet the following requirements:
- (i) Barriers shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward), with a minimum of deflection at any point on the top rail or corresponding member.
- (ii) Screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grill work with openings not more than 8 inches long, or of slat work with openings not more than 4 inches wide with length unrestricted.)) Reserved.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-50503 ((Roofing brackets. (1) Roofing brackets shall be constructed to fit the pitch of the roof.

- (2) Securing: Brackets shall be secured in place by nailing in addition to the pointed metal projections. When it is impractical to nail brackets, rope supports shall be used. When rope supports are used, they shall consist of first grade manila of at least 3/4-inch diameter, or equivalent.
 - (3) Crawling boards or chicken ladders.
- (a) Crawling boards shall be not-less than ten inches wide and one inch thick, having cleats 1 x 1 1/2 inches.
- (i) The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed twenty-four inches.
- (ii) Nails shall be driven through and elinehed on the underside.
- (iii) The crawling board shall extend from the ridge pole to the caves when used in connection with roof construction, repair, or maintenance.
- (b) A firmly fastened lifeline of at least 3/4-inch diameter rope, or equivalent, shall be strung beside each erawling board for a handhold.
- (e) Crawling boards-shall be secured to the roof by means of adequate ridge hooks or other effective means.)) Reserved.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-515 ((Ramps, runways, and inclined walkways. (1) Width. Ramps, runways and inclined walkways shall be eighteen inches or more wide.

- (2) Standard railings. Ramps, runways and inclined walkways shall be provided with standard railings when located four feet or more above ground or floor level.
- (3) Ramp specifications. Ramps, runways and walk-ways shall not be inclined more than twenty degrees from horizontal and when inclined shall be cleated or otherwise treated to prevent a slipping hazard on the walking surface.)) Reserved.

NEW SECTION

WAC 296-155-245 Scope and application. (1) Chapter 296-155 WAC, Part C-1 sets forth requirements for employers to provide and enforce the use of fall protection for employees in construction, alteration, repair, maintenance (including painting and decoration), demolition workplaces, and material handling covered under chapter 296-155 WAC.

Exception:

The provisions of this part do not apply when employees are making an inspection, investigation, or assessment of workplace conditions prior to the actual start of construction work or after all construction work has been completed.

(2) WAC 296-155-24503 sets forth those workplaces, conditions, operations, and circumstances for which fall protection shall be provided except requirements relating to fall protection for employees engaged in the construction of electric transmission and distribution lines and equipment are provided in chapter 296-45 WAC.

- (3) WAC 296-155-24505 sets forth the requirements for the installation, construction, and proper use of fall protection required by chapter 296-155 WAC, except as follows:
- (a) Performance requirements for guardrail systems used on scaffolds and performance requirements for falling object protection used on scaffolds are provided in Part J-1, of chapter 296-155 WAC.
- (b) Performance requirements for stairways, stairwell systems, and handrails are provided in Part J of chapter 296-155 WAC.
- (c) Additional performance requirements for personal climbing equipment, lineman's body belts, safety straps, and lanyards are provided in chapter 296-45 WAC.
- (4) WAC 296-155-24507 sets forth requirements for training in the installation and use of fall protection systems.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-24501 ((Seope and application.))

Definitions. ((This section sets forth requirements for employers to provide and enforce the use of fall protection for employees in construction, alteration, repair, maintenance (including painting and decorating), demolition workplaces, and material handling covered under chapter 296-155

WAC.)) Anchorage means a secure point of attachment for lifelines, lanyards or deceleration devices which is capable of withstanding the forces specified in the application sections of chapter 296-155 WAC.

Body belt means a Type 1 safety belt used in conjunction with lanyard or lifeline for fall restraint only.

Body harness means straps which may be secured about the employee in a manner that will distribute the fall arrest forces over at least the thighs, pelvis, waist, chest and shoulders with means for attaching it to other components of a personal fall arrest system.

Buckle means any device for holding the body belt or body harness closed around the employee's body.

Competent person means an individual knowledgeable of fall protection equipment, including the manufacturer's recommendations and instructions for the proper use, inspection, and maintenance; and who is capable of identifying existing and potential fall hazards; and who has the authority to take prompt corrective action to eliminate those hazards; and who is knowledgeable of the rules contained in this section regarding the erection, use, inspection, and maintenance of fall protection equipment and systems.

Connector means a device which is used to couple (connect) parts of the personal fall arrest system and positioning device systems together. It may be an independent component of the system, such as a carabiner, or it may be an integral component of part of the system (such as a buckle or dee-ring sewn into a body belt or body harness, or a snap-hook spliced or sewn to a lanyard or self-retracting lanyard).

Controlled access zone (CAZ) means an area in which certain work (e.g., overhand bricklaying) may take place without the use of guardrail systems, personal fall arrest systems, or safety net systems and access to the zone is controlled.

Dangerous equipment means equipment (such as pickling or galvanizing tanks, degreasing units, machinery,

electrical equipment, and other units) which, as a result of form or function, may be hazardous to employees who fall onto or into such equipment.

Deceleration device means any mechanism, such as a rope grab, rip-stitch lanyard, specially woven lanyard, tearing or deforming lanyards, automatic self-retracting life-lines/lanyards, etc., which serves to dissipate a substantial amount of energy during a fall arrest, or otherwise limit the energy imposed on an employee during fall arrest.

Deceleration distance means the additional vertical distance a falling employee travels, excluding lifeline elongation and free fall distance, before stopping, from the point at which the deceleration device begins to operate. It is measured as the distance between the location of an employee's body belt or body harness attachment point at the moment of activation (at the onset of fall arrest forces) of the deceleration device during a fall, and the location of that attachment point after the employee comes to a full stop.

Equivalent means alternative designs, materials, or methods to protect against a hazard which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard. Failure means load refusal, breakage, or separation of component parts. Load refusal is the point where the ultimate strength is exceeded.

Fall protection work plan means a written planning document in which the employer identifies all areas on the job site where a fall hazard of 10 feet or greater exists. The plan describes the method or methods of fall protection to be utilized to protect employees, and includes the procedures governing the installation, use, inspection, and removal of the fall protection method or methods which are selected by the employer. (See WAC 296-155-24505.)

Note: See WAC 296-155-24505(12) for a fall protection plan when conventional fall protection is infeasible to provide for leading edge, precast concrete erection work, or residential construction work.

Fall-restraint system means an approved device and any necessary components that function together to restrain an employee in such a manner as to prevent that employee from falling to a lower level. When standard guardrails are selected, compliance with applicable sections governing their construction and use shall constitute approval.

Free fall means the act of falling before a personal fall arrest system begins to apply force to arrest the fall.

Free fall distance means the vertical displacement of the fall arrest attachment point on the employee's body belt or body harness between onset of the fall and just before the system begins to apply force to arrest the fall. This distance excludes deceleration distance, and lifeline/lanyard delongation, but includes any deceleration device slide distance or self-retracting lifeline/lanyard extension before the operate and fall arrest forces occur.

Guardrail system means a barrier erected to prevent employees from falling to lower levels.

Hole means a gap or void 2 inches (5.1 cm) or more in its least dimension, in a floor, roof, or other walking/working surface.

Infeasible means that it is impossible to perform the construction work using a conventional fall protection system

(i.e., guardrail system, safety net system, or personal fall arrest system) or that it is technologically impossible to use any one of these systems to provide fall protection.

Lanyard means a flexible line of rope, wire rope, or strap which generally has a connector at each end for connecting the body belt or body harness to a deceleration device, lifeline, or anchorage.

Leading edge means the edge of a floor, roof, or form work for a floor or other walking/working surface (such as the deck) which changes location as additional floor, roof, decking, or form work sections are placed, formed, or constructed. A leading edge is considered to be an "unprotected side and edge" during periods when it is not actively and continuously under construction.

Lifeline means a component consisting of a flexible line for connection to an anchorage at one end to hang vertically (vertical lifeline), or for connection to anchorage's at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall protection system to the anchorage.

Low-slope roof means a roof having a slope less than or equal to 4 in 12 (vertical to horizontal).

Lower levels means those areas or surfaces to which an employee can fall. Such areas or surfaces include, but are not limited to, ground levels, floors, platforms, ramps, runways, excavations, pits, tanks, material, water, equipment, structures, or portions thereof.

Mechanical equipment means all motor or human propelled wheeled equipment used for roofing work, except wheelbarrows and mopcarts.

Opening means a gap or void 30 inches (76 cm) or more high and 18 inches (48 cm) or more wide, in a wall or partition, through which employees can fall to a lower level.

Overhand bricklaying and related work means the process of laying bricks and masonry units such that the surface of the wall to be jointed is on the opposite side of the wall from the mason, requiring the mason to lean over the wall to complete the work. Related work includes mason tending and electrical installation incorporated into the brick wall during the overhand bricklaying process.

Personal fall arrest system means a system used to arrest an employee in a fall from a working level. It consists of an anchorage, connectors, or harness and may include a lanyard, deceleration device, lifeline, or suitable combinations of these.

Personal fall restraint system means a system used to prevent an employee from falling. It consists of anchorage's, connectors, body belt/harness. It may include, lanyards, lifelines and rope grabs designed for the purpose.

Positioning device system means a body belt or body harness system rigged to allow an employee to be supported on an elevated vertical surface, such as a wall, and work with both hands free while leaning.

Rope grab means a deceleration device which travels on a lifeline and automatically, by friction, engages the lifeline and locks so as to arrest the fall of an employee. A rope grab usually employs the principle of inertial locking, cam/level locking, or both.

Roof means the exterior surface on the top of a building. This does not include floors or form work which, because a building has not been completed, temporarily become the top surface of a building.

Roofing work means the hoisting, storage, application, and removal of roofing materials and equipment, including related insulation, sheet metal, and vapor barrier work, but not including the construction of the roof deck.

Safety monitor system means a system of fall restraint used in conjunction with a warning line system only, where a competent person as defined by this part, having no additional duties, monitors the proximity of workers to the fall hazard when working between the warning line and the unprotected sides and edges, including, the leading edge of a low-sloped roof or walking/working surface.

Self-retracting lifeline/lanyard means a deceleration device containing a drum-wound line which can be slowly extracted from, or retracted onto, the drum under slight tension during normal employee movement, and which, after onset of a fall, automatically locks the drum and arrests the fall.

Snap-hook means a connector comprised of a hook-shaped member with a normally closed keeper, or similar arrangement, which may be opened to permit the hook to receive an object and, when released, automatically closes to retain the object. Snap-hooks are generally one of two types:

- The locking type with a self-closing, self-locking keeper which remains closed and locked until unlocked and pressed open for connection or disconnection; or
- The non-locking type with a self-closing keeper which remains closed until pressed open for connection or disconnection. As of January 1, 1998, the use of a non-locking snap-hook as part of personal fall arrest systems and positioning device systems is prohibited.

Steep roof means a roof having a slope greater than 4 in 12 (vertical to horizontal).

Toeboard means a low protective barrier that will prevent the fall of materials and equipment to lower levels and provide protection from falls for personnel.

Unprotected sides and edges means any side or edge (except at entrances to points of access) of a walking/working surface, e.g., floor, roof, ramp, or runway where there is no wall or guardrail system at least 39 inches (1.0 m) high.

Walking/working surface means any surface, whether horizontal or vertical on which an employee walks or works, including, but not limited to, floors, roofs, ramps, bridges, runways, but not including ladders, vehicles, or trailers, on which employees must be located in order to perform their job duties.

Warning line system means a barrier erected on a walking and working surface or a low-slope roof (4 in 12 or less), to warn employees that they are approaching an unprotected fall hazard(s).

Work area means that portion of a walking/working surface where job duties are being performed.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-24503 ((Definitions.)) Duty to have full protection. (((1) Anchorage means a secure point of attachment for lifelines, lanyards, or deceleration devices which is capable of withstanding the forces specified in the applicable sections of chapter 296-155 WAC.

- (2) Approved means, for the purpose of this section; tested and certified by the manufacturer, or any recognized national testing laboratory, to possess the strength requirements specified in this section.
- (3) Body belt means a Type 1 safety belt used in conjunction with lanyard or lifeline for fall restraint only.
- (4) Full body harness means a configuration of connected-straps to distribute a fall arresting force over at least the thighs, shoulders and pelvis, with provisions for attaching a lanyard, lifeline, or deceleration devices.
- (5) Full body harness system means a Class III-full body harness and lanyard which is attached to an anchorage meeting the requirements of Part C-1 WAC 296-155; or attached to a horizontal or vertical lifeline which is properly secured to an anchorage(s) capable of withstanding the forces specified in the applicable sections of chapter 296-155 WAC.
 - (6) Catenary line see horizontal lifeline.
- (7) Competent person means an individual knowledgeable of fall protection equipment, including the manufacturers recommendations and instructions for the proper use, inspection, and maintenance; and who is capable of identifying existing and potential fall hazards; and who has the authority to take prompt corrective action to eliminate those hazards; and who is knowledgeable of the rules contained in this section regarding the erection, use, inspection, and maintenance of fall protection equipment and systems.
- (8) Continuous fall protection means the design and use of a fall protection system such that no exposure to an elevated fall hazard occurs. This may require more than one fall protection system or a combination of prevention or protection measures.
- (9) Control zone means the area between the warning line and the unprotected sides and edges of the walking/working surface.
- (10) Deceleration device means any mechanism, such as a rope grab, ripstitch lanyard, specifically woven lanyard and automatic self-retracting lifeline, which serves to dissipate more energy during a fall arrest than does a standard line or strap webbing lanyard.
- (11) Drop line means a vertical lifeline secured to an upper anchorage for the purpose of attaching a lanyard or device.
- (12) Fall arrest system means the use of multiple, approved safety equipment components such as; body harnesses, lanyards, deceleration devices, droplines, horizontal and/or vertical lifelines and anchorages, interconnected and rigged as to arrest a free fall. Compliance with anchorage strength requirements specified in the applicable sections of chapter 296-155 WAC, Part C-1 shall constitute approval of the anchorage.
- (13) Fall protection work plan means a written planning document in which the employer identifies all areas on the job site where a fall hazard of 10 feet or greater exists. The plan describes the method or methods of fall protection to be utilized to protect employees, and includes the procedures governing the installation use, inspection, and removal of the fall protection method or methods which are selected by the employer. (See WAC 296-155-24505.)
- (14) Fall restraint system means an approved device and any necessary components that function together to restrain an employee in such a manner as to prevent that employee

from falling to a lower level. When standard guardrails are selected, compliance with applicable sections governing their construction and use shall constitute approval.

- (15) Fall distance means the actual distance from the worker's support to the level where a fall would stop.
- (16) Hardware means snap hooks, D rings, buckles, earibiners, adjusters, O rings, that are used to attach the components of a fall protection system together.
- (17) Horizontal lifeline means a rail, rope, wire, or synthetic cable that is installed in a horizontal plane between two anchorages and used for attachment of a worker's lanyard or lifeline device while moving horizontally; used to control dangerous pendulum like swing falls.
- (18) Lanyard means a flexible line of webbing, rope, or cable used to secure a body belt or harness to a lifeline or an anchorage point usually 2, 4, or 6 feet long.
- (19) Leading edge means the advancing edge of a floor, roof, or formwork which changes location as additional floor, roof, or formwork sections are placed, formed, or constructed. Leading edges not actively under construction are considered to be "unprotected sides and edges," and positive methods of fall arrest or fall restraint shall be required to protect exposed workers.
- (20) Lifeline means a vertical line from a fixed anchorage or between two horizontal anchorages, independent of walking or working surfaces, to which a lanyard or device is secured. Lifeline as referred to in this text is one which is part of a fall protection system used as back-up safety for an elevated worker.
- (21) Locking snap hook means a connecting snap hook that requires two separate forces to open the gate; one to deactivate the gatekeeper and a second to depress and open the gate which automatically closes when released; used to minimize roll out or accidental disengagement.
- (22) Low-pitched roof means a roof having a slope equal to or less than 4 in 12.
- (23) Positioning belt means a single or multiple strap that can be secured around the worker's body to hold the user in a work position; for example, a lineman's belt, a rebar belt, or saddle belt.
- (24) Restraint line means a line from a fixed anchorage or between two anchorages to which an employee is secured in such a way as to prevent the worker from falling to a lower level.
- (25) Roll-out means unintentional disengagement of a snap hook caused by the gate being depressed under torque or contact while twisting or turning; a particular concern with single action snap hooks that do not have a locking gatekeeper.
- (26) Rope grab means a fall arrester that is designed to move up or down a lifeline suspended from a fixed overhead or horizontal anchorage point, or lifeline, to which the belt or harness is attached. In the event of a fall, the rope grab locks onto the lifeline rope through compression to arrest the fall. The use of a rope grab device is restricted for fall restraint applications. (Refer to WAC 296-155-24510 (2)(b)(iii).)
 - (27) Safety line see lifeline.
- (28) Safety monitor system means a system of fall restraint used in conjunction with a warning line system only, where a competent person as defined by this part, having no additional duties, monitors the proximity of

- workers to the fall hazard when working between the warning line and the unprotected sides and edges, including, the leading edge of a low pitched roof or walking/working surface.
- (29) Self-retracting lifeline means a deceleration device which contains a drum-wound line which may be slowly extracted from, or retracted onto, the drum under slight tension during normal employee movement, and which after onset of a fall, automatically locks the drum and arrests the fall.
- (30) Shock absorbing lanyard means a flexible line of webbing, cable, or rope used to secure a body belt or harness to a lifeline or anchorage point that has an integral shock absorber.
- (31) Single action snap hook means a connecting snap hook that requires a single force to open the gate which automatically closes when released.
- (32) Snap hook means a self-closing connecting device with a gatekeeper latch or similar arrangement that will remain closed until manually opened. This includes single action snap hooks that open when the gatekeeper is depressed and double action snap hooks that require a second action on a gatekeeper before the gate can be opened.
 - (33)-Static line see horizontal lifeline.
- (34) Strength member means any component of a fall protection system that could be subject to loading in the event of a fall.
- (35) Steep roof means a roof having a slope greater than 4 in 12.
- (36) Unprotected sides and edges means any side or edge (except at entrances to points of access) of a floor, roof, ramp or runway where there is no wall or guardrail system as defined in WAC 296 155-505(6).
- (37) Walking/working surface means for the purpose of this section, any area whose dimensions are 45 inches or greater in all directions, through which workers pass or conduct work.
- (38) Warning line system means a barrier creeted on a walking and working surface or a low pitch roof (4 in 12 or less), to warn employees that they are approaching an unprotected fall hazard(s).
- (39) Work area means that portion of a walking/working surface where job duties are being performed.)) (1) General.
- (a) This section sets forth requirements for employers to provide fall protection systems. All fall protection required by this section shall conform to the criteria set forth in WAC 296-155-24505.
- (b) The employer shall determine if the walking/working surfaces on which its employees are to work have the strength and structural integrity to support employees safely. Employees shall be allowed to work on those surfaces only when the surfaces have the requisite strength and structural integrity.
 - (2) Unprotected sides and edges.
- (a) Each employee on a walking/working surface (horizontal and vertical surface) with an unprotected side or edge which is 4 feet (1.2m) or more above a lower level shall be protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest/fall-restraint systems.
 - (b) Leading edges.

(i) Each employee who is constructing a leading edge 6 feet (1.8 m) or more above lower levels shall be protected from falling by guardrail systems, safety net systems, or personal fall arrest/fall-restraint systems.

Exception:

When working between a height six (1.8m) and ten (3.05) feet above the adjacent floor or ground and the employer can demonstrate that it is infeasible or creates a greater hazard to use these systems, the employer shall develop and implement a fall protection plan which meets the requirements of WAC 296-155-24505(12).

Note:

There is a presumption that it is feasible and will not create a greater hazard to implement at least one of the above-listed fall protection systems. Accordingly, the employer has the burden of establishing that it is appropriate to implement a fall protection plan which complies with WAC 296-155-24505(12) for a particular workplace situation, in lieu of implementing any of those systems.

- (ii) Each employee on a walking/working surface 4 feet (1.2m) or more above a lower level where leading edges are under construction, but who is not engaged in the leading edge work, shall be protected from falling by a guardrail system, safety net system, or personal fall arrest system. If a guardrail system is chosen to provide the fall protection, and a controlled access zone has already been established for leading edge work, the control line may be used in lieu of a guardrail along the edge that parallels the leading edge.
- (c) Hoist areas. Each employee in a hoist area shall be protected from falling 4 feet (1.2m) or more to lower levels by guardrail systems, fall restraint, or personal fall arrest systems. If guardrail systems, (or chain, gate, or guardrail) or portions thereof, are removed to facilitate the hoisting operation (e.g., during landing of materials), and an employee must lean through the access opening or out over the edge of the access opening (to receive or guide equipment and materials, for example), that employee shall be protected from fall hazards by a personal fall arrest system.
 - (d) Holes.
- (i) Each employee on walking/working surfaces shall be protected from falling through holes (including skylights) by personal fall arrest systems, covers, or guardrail systems erected around such holes.
- (ii) Each employee on a walking/working surface shall be protected from tripping in or stepping into or through holes (including skylights) by covers.
- (iii) Each employee on a walking/working surface shall be protected from objects falling through holes (including skylights) by covers.
- (e) Form work and reinforcing steel. Each employee on the face of form work or reinforcing steel shall be protected from falling 6 feet (1.8 m) or more to lower levels by personal fall arrest/fall restraint systems, safety net systems, or positioning device systems.
 - (f) Ramps, runways, and other walkways.
- (i) Each employee on ramps, runways, and other walkways shall be protected from falling 4 feet (1.2m) or more to lower levels by guardrail systems.
- (ii) Width. Ramps, runways, and inclined walkways shall be at least eighteen inches wide.
- (iii) Ramp specifications. Ramps, runways and walkways shall not be inclined more than twenty degrees from horizontal and when inclined shall be cleated or otherwise treated to prevent a slipping hazard on the walking surface.
 - (g) Excavations.

- (i) Each employee at the edge of an excavation 4 feet (1.2m) or more in depth shall be protected from falling by guardrail systems, fences, or barricades when the excavations are not readily seen because of plant growth or other visual barrier;
- (ii) Each employee at the edge of a well, pit, shaft, and similar excavation 4 feet (1.2m) or more in depth shall be protected from falling by guardrail systems, fences, barricades, or covers.
- (h) Regardless of height, open-sided floors, walkways, platforms or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units and similar hazards, shall be guarded with a standard railing and toeboard.
 - (i) Overhand bricklaying and related work.
- (i) Except as otherwise provided in subsection (2) of this section, each employee performing overhand bricklaying and related work 6 feet (1.8 m) or more above lower levels, shall be protected from falling by guardrail systems, safety net systems, personal fall arrest systems, or shall work in a controlled access zone.
- (ii) Each employee reaching more than 10 inches (25 cm) below the level of the walking/working surface on which they are working, shall be protected from falling by a guardrail system, safety net system, or personal fall arrest/fall-restraint system.

Note: Bricklaying operations performed on scaffolds are regulated by Part J-1, Scaffolding, of this chapter.

- (j) Roofing work on low-slope roofs. Except as otherwise provided in subsection (2) of this section, each employee engaged in roofing activities on low-slope roofs, with unprotected sides and edges 6 feet (1.8 m) or more above lower levels shall be protected from falling by guardrail systems, safety net systems, personal fall arrest/restraint systems, or a combination of warning line system and guardrail system, warning line system and safety net system, or warning line system and personal fall arrest system, or warning line system and safety monitoring system. Or, on roofs 50 feet (15.25 m) or less in width (see Appendix A to this Part), the use of a safety monitoring system alone (i.e. without the warning line system) is permitted.
- (k) Steep roofs. Each employee on a steep roof with unprotected sides and edges 6 feet (1.8 m) or more above lower levels shall be protected from falling by guardrail systems with toeboards, safety net systems, or personal fall arrest/restraint systems.
- (l) Precast concrete erection. Each employee engaged in the erection of precast concrete members (including, but not limited to, the erection of wall panels, columns, beams, and floor and roof "tees") and related operations such as grouting of precast concrete members, who is 6 feet (1.8 m) or more above lower levels shall be protected from falling by guardrail systems, safety net systems, or personal fall arrest/restraint systems, unless another provision in subsection (2) of this section provides for an alternative fall protection measure.

Exception:

When the employer can demonstrate that it is infeasible or creates a greater hazard to use these systems, the employer shall develop and implement a fall protection plan which meets the requirements of WAC 296-155-24505(12).

Note: There is a presumption that it is feasible and will not create a greater hazard to implement at least one of the above-listed fall protection systems. Accordingly, the employer has the burden of establishing that it is appropriate to implement a fall protection plan which complies with WAC 296-155-24505(12) for a particular workplace situation, in lieu of implementing any of those systems.

(m) Residential construction. Each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels shall be protected by guardrail systems, safety net systems, or personal fall arrest/restraint systems unless another provision in subsection (2) of this section provides for an alternative fall protection measure.

Exception:

When the employer can demonstrate that it is infeasible or creates a greater hazard to use these systems, the employer shall develop and implement a fall protection plan which meets the requirements of WAC 296-155-24505(12).

Note: There is a presumption that it is feasible and will not create a greater hazard to implement at least one of the above-listed fall protection systems. Accordingly, the employer has the burden of establishing that it is appropriate to implement a fall protection plan which complies with WAC 296-155-24505(12) for a particular workplace situation, in lieu of implementing any of those systems.

- (n) Wall openings. Each employee working on, at, above, or near wall openings including those with chutes attached, where the outside bottom edge of the wall opening is 4 feet (1.2m) or more above lower levels and the inside bottom edge of the wall opening is less than 39 inches (1.0 m) above the walking/working surface, shall be protected from falling by the use of a guardrail system, a safety net system, or a personal fall arrest/restraint system.
- (o) Walking/working surfaces not otherwise addressed. Except as provided in WAC 296-155-245(3) or in WAC 296-155-24503 (2)(a) through (n), each employee on a walking/working surface 4 feet (1.2m) or more above lower levels shall be protected from falling by a guardrail system, safety net system, or personal fall arrest/restraint system.
- (3) Protection from falling objects. When an employee is exposed to falling objects, the employer shall have each employee wear a hard hat and shall implement one of the following measures:
- (a) Erect toeboards, screens, or guardrail systems to prevent objects from falling from higher levels; or
- (b) Erect a canopy structure and keep potential fall objects far enough from the edge of the higher level so that those objects would not go over the edge if they were accidentally displaced; or
- (c) Barricade the area to which objects could fall, prohibit employees from entering the barricaded area, and keep objects that may fall far enough away from the edge of a higher level so that those objects would not go over the edge if they were accidentally displaced.
 - (4) Fall protection work plan.
- (a) The employer shall develop and implement a written fall protection work plan including each area of the work place where the employees are assigned and where fall hazards of 10 feet or more exists.
 - (b) The fall protection work plan shall:
 - (i) Identify all fall hazards in the work area.
- (ii) Describe the method of fall arrest or fall restraint to be provided.

- (iii) Describe the correct procedures for the assembly, maintenance, inspection and disassembly of the fall protection system to be used.
- (iv) Describe the correct procedures for the handling, storage, and securing of tools and materials.
- (v) Describe the method of providing overhead protection for workers who may be in, or pass through the area below the work site.
- (vi) Describe the method for prompt, safe removal of injured workers.
- (vii) Be available on the job site for inspection by the department.
- (c) Prior to permitting employees into areas where fall hazards exist the employer shall:
- (i) Ensure that employees are trained and instructed in the items described in subdivision (b)(i) through (vi) of this subsection.
- (ii) Inspect fall protection devices and systems to ensure compliance with WAC 296-155-24505.
- (d) Training of employees as required by this subsection shall be documented and shall be available on the job site.

Note: When working between six and ten feet above the adjacent ground or floor, see WAC 296-155-24505(12).

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-24505 ((Fall-protection work plan.))
Fall protection systems criteria and practices. (((1) The employer shall develop and implement a written fall protection work plan including each area of the work place where the employees are assigned and where fall hazards of 10 feet or more exist.

- (2) The fall protection work plan-shall:
- (a) Identify all fall hazards in the work area.
- (b) Describe the method of fall arrest or fall restraint to be provided.
- (e) Describe the correct procedures for the assembly, maintenance, inspection, and disassembly of the fall protection system to be used.
- (d) Describe the correct procedures for the handling, storage, and securing of tools and materials.
- (e) Describe the method of providing overhead protection for workers who may be in, or pass through the area below the work site.
- (f) Describe the method for prompt, safe removal of injured workers.
- (g) Be available on the job site for inspection by the department.
- (3) Prior to permitting employees into areas where fall hazards exist the employer shall:
- (a) Ensure that employees are trained and instructed in the items described in subsection (2)(a) through (f) of this section.
- (b) Inspect fall protection devices and systems to ensure compliance with WAC 296-155-24510 (1) through (3)(c)(ii).
- (4) Training of employees as required by this section shall be documented and shall be available on the job site.))
 - (1) General.
- (a) Fall protection systems required by Part C-1 shall comply with the applicable provisions of this section.

- (b) Employers shall provide and install all fall protection systems required by Part C-1 for an employee, and shall comply with all other pertinent requirements of Part C-1 before that employee begins the work that necessitates the fall protection.
- (2) Guardrail systems. Guardrail systems and their use shall comply with the following provisions:
- (a) Top edge height of top rails, or equivalent guardrail system members, shall be 42 inches (1.1 m) plus or minus 3 inches (8 cm) above the walking/working level. When conditions warrant, the height of the top edge may exceed the 45-inch height, provided the guardrail system meets all other criteria of this subsection.
 - Note: When employees are using stilts, the top edge height of the top rail, or equivalent member, shall be increased an amount equal to the height of the stilts.
- (b) Midrails, screens, mesh, intermediate vertical members, or equivalent intermediate structural members shall be installed between the top edge of the guardrail system and the walking/working surface when there is no wall or parapet wall at least 21 inches (53 cm) high.
- (i) Midrails, when used, shall be installed at a height midway between the top edge of the guardrail system and the walking/working level.
- (ii) Screens and mesh, when used, shall extend from the top rail to the walking/working level and along the entire opening between top rail supports.
- (iii) Intermediate members (such as balusters), when used between posts, shall be not more than 19 inches (48 cm) apart.
- (iv) Other structural members (such as additional midrails and architectural panels) shall be installed such that there are no openings in the guardrail system that are more than 19 inches (.5 m) wide.
- (c) Guardrail systems shall be capable of withstanding, without failure, a force of at least 200 pounds (890 N) applied within 2 inches (5.1 cm) of the top edge, in any outward or downward direction, at any point along the top edge.
- (d) When the 200 pound (890 N) test load specified in subdivision (c) of this subsection is applied in a downward direction, the top edge of the guardrail shall not deflect to a height less than 39 inches (1.0m) above the walking/working level. Guardrail system components selected and constructed in accordance with the Appendix B to Part C-1 will be deemed to meet this requirement.
- (e) Midrails, screens, mesh, intermediate vertical members, solid panels, and equivalent structural members shall be capable of withstanding, without failure, a force of at least 150 pounds (666 N) applied in any downward or outward direction at any point along the midrail or other member.
- (f) Guardrail systems shall be so surfaced as to prevent injury to an employee from punctures or lacerations, and to prevent snagging of clothing.
- (g) The ends of all top rails and midrails shall not overhang the terminal posts, except where such overhang does not constitute a projection hazard.
- (h) Steel banding and plastic banding shall not be used as top rails or midrails.

- (i) Top rails and midrails shall be at least one-quarter inch (0.6 cm) nominal diameter or thickness to prevent cuts and lacerations. If wire rope is used for top rails, it shall be flagged at not more than 6-foot intervals with high-visibility material.
- (j) When guardrail systems are used at hoisting areas, a chain, gate or removable guardrail section shall be placed across the access opening between guardrail sections when hoisting operations are not taking place.
- (k) When guardrail systems are used at holes, they shall be erected on all unprotected sides or edges of the hole.
- (l) When guardrail systems are used around holes used for the passage of materials, the hole shall have not more than two sides provided with removable guardrail sections to allow the passage of materials. When the hole is not in use, it shall be closed over with a cover, or a guardrail system shall be provided along all unprotected sides or edges.
- (m) When guardrail systems are used around holes which are used as points of access (such as ladderways), they shall be provided with a gate, or be so offset that a person cannot walk directly into the hole.
- (n) Guardrail systems used on ramps and runways shall be erected along each unprotected side or edge.
- (o) Manila, plastic or synthetic rope being used for top rails or midrails shall be inspected as frequently as necessary to ensure that it continues to meet the strength requirements of subdivision (c) of this subsection.
- (3) Safety net systems. Safety net systems and their use shall comply with the following provisions:
- (a) Safety nets shall be installed as close as practicable under the walking/working surface on which employees are working, but in no case more than 30 feet (9.1 m) below such level. When nets are used on bridges, the potential fall area from the walking/working surface to the net shall be unobstructed.
- (b) Safety nets shall extend outward from the outermost projection of the work surface as follows:

Vertical distance form working level to horizontal plane of net	Minimum required horizontal distance of outer edge of net from the edge of the working surface
Up to 5 feet More than 5 feet up to 10 feet More than 10 feet	8 feet. 10 feet. 13 feet.

- (c) Safety nets shall be installed with sufficient clearance under them to prevent contact with the surface or structures below when subjected to an impact force equal to the drop test specified in subdivision (d) of this subsection.
- (d) Safety nets and their installations shall be capable of absorbing an impact force equal to that produced by the drop test specified in subdivision (d) of this section.
- (i) Except as provided in item (ii) of this subdivision, safety nets and safety net installations shall be drop-tested at the job site after initial installation and before being used as a fall protection system, whenever relocated, after major repair, and at 6-month intervals if left in one place. The drop-test shall consist of a 400 pound (180 kg) bag of sand 30 ± 2 inches (76 ± 5 cm) in diameter dropped into the net from the highest walking/working surface at which employees are exposed to fall hazards, but not from less than 42 inches (1.1 m) above that level.

- (ii) When the employer can demonstrate that it is unreasonable to perform the drop-test required by item (i) of this subdivision, the employer (or a designated competent person) shall certify that the net and net installation is in compliance with the provisions of subsection (c) and item (i) of this subdivision by preparing a certification record prior to the net being used as a fall protection system. The certification record must include an identification of the net and net installation for which the certification record is being prepared; the date that it was determined that the identified net and net installation were in compliance with subdivision (c) of this subsection and the signature of the person making the determination and certification. The most recent certification record for each net and net installation shall be available at the job site for inspection.
- (e) Defective nets shall not be used. Safety nets shall be inspected at least once a week for wear, damage, and other deterioration. Defective components shall be removed from service. Safety nets shall also be inspected after any occurrence which could affect the integrity of the safety net system.
- (f) Materials, scrap pieces, equipment, and tools which have fallen into the safety net shall be removed as soon as possible from the net and at least before the next work shift.
- (g) The maximum size of each safety net mesh opening shall not exceed 36 square inches (230 cm²) nor be longer than 6 inches (15 cm) on any side, and the opening, measured center-to-center of mesh ropes or webbing, shall not be longer than 6 inches (15 cm). All mesh crossings shall be secured to prevent enlargement of the mesh opening.
- (h) Each safety net (or section of it) shall have a border rope for webbing with a minimum breaking strength of 5,000 pounds (22.2 kN).
- (i) Connections between safety net panels shall be as strong as integral net components and shall be spaced not more than 6 inches (15 cm) apart.
- (4) Personal fall arrest systems. Personal fall arrest systems and their use shall comply with the provisions set forth below. Body belts may be used for a fall-restraining device.
 - Note: The use of a body belt in a positioning device system is acceptable and is regulated under subsection (5) of this section.
- (a) Connectors shall be drop forged, pressed or formed steel, or made of equivalent materials.
- (b) Connectors shall have a corrosion-resistant finish, and all surfaces and edges shall be smooth to prevent damage to interfacing parts of the system.
- (c) Dee-rings and snap-hooks shall have a minimum tensile strength of 5,000 pounds (22.2 kN).
- (d) Dee-rings and snap-hooks shall be proof-tested to a minimum tensile load of 3,600 pounds (16 kN) without cracking, breaking, or taking permanent deformation.
- (e) Snap-hooks shall be sized to be compatible with the member to which they are connected to prevent unintentional disengagement of the snap-hook by depression of the snap-hook keeper by the connected member, or shall be a locking type snap-hook designed and used to prevent disengagement of the snap-hook by the contact of the snap-hook keeper by the connected member. Effective January 1, 1998, only locking type snap-hooks shall be used.

- (f) Unless the snap-hook is a locking type and designed for the following connections, snap-hooks shall not be engaged:
 - (i) Directly to webbing, rope or wire rope;
 - (ii) To each other;
- (iii) To a dee-ring to which another snap-hook or other connector is attached;
 - (iv) To a horizontal lifeline; or
- (v) To any object which is incompatibly shaped or dimensioned in relation to the snap-hook such that unintentional disengagement could occur by the connected object being able to depress the snap-hook keeper and release itself.
- (g) On suspended scaffolds or similar work platforms with horizontal lifelines which may become vertical lifelines, the devices used to connect to a horizontal lifeline shall be capable of locking in both directions on the lifeline.
- (h) Horizontal lifelines shall be designed, installed, and used, under the supervision of a qualified person, as part of a complete personal fall arrest/fall-restraint system, which maintains a safety factor of at least two.
- (i) Lanyards and vertical lifelines shall have a minimum breaking strength of 5,000 pounds (22.2 kN).
- (j) Except as provided in subdivision (k) of this subsection, when vertical lifelines are used, each employee shall be attached to a separate lifeline.
- (k) During the construction of elevator shafts, two employees may be attached to the same lifeline in the hoistway, provided both employees are working atop a false car that is equipped with guardrails; the strength of the lifeline is 10,000 pounds (5,000 pounds per employee attached) (44.4 kN); and all other criteria specified in this subsection for lifelines have been met.
- (1) Lifelines shall be protected against being cut or abraded.
- (m) Self-retracting lifelines and lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less shall be capable of sustaining a minimum tensile load of 3,000 pounds (13.3 kN) applied to the device with the lifeline or lanyard in the fully extended position.
- (n) Self-retracting lifelines and lanyards which do not limit free fall distance to 2 feet (0.61 m) or less, ripstitch lanyards, and tearing and deforming lanyards shall be capable of sustaining a minimum tensile load of 5,000 pounds (22.2 kN) applied to the device with the lifeline or lanyard in the fully extended position.
- (o) Ropes and straps (webbing) used in lanyards, lifelines, and strength components of body belts and body harnesses shall be made from synthetic fibers.
- (p) Anchorage's used for attachment of personal fall arrest equipment shall be independent of any anchorage being used to support or suspend platforms and capable of supporting at least 5,000 pounds (22.2 kN) per employee attached, or shall be designed, installed, and used as follows:
- (i) As part of a complete personal fall arrest system which maintains a safety factor of at least two; and
 - (ii) Under the supervision of a qualified person.
- (q) Personal fall arrest systems, when stopping a fall, shall:
- (i) Limit maximum arresting force on an employee to 1,800 pounds (8 kN) when used with a body harness;
- (ii) Be rigged such that an employee can neither free fall more than 6 feet (1.8 m), nor contact any lower level;

- (iii) Bring an employee to a complete stop and limit maximum deceleration distance an employee travels to 3.5 feet (1.07 m); and,
- (iv) Have sufficient strength to withstand twice the potential impact energy of an employee free falling a distance of 6 feet (1.8 m), or the free fall distance permitted by the system, whichever is less.
 - Note: If the personal fall arrest system meets the criteria and protocols contained in Appendix C to Part C-1, and if the system is being used by an employee having a combined person and tool weight of less than 310 pounds (140 kg), the system will be considered to be in compliance with the provisions of this subdivision. If the system is used by an employee having a combined tool and body weight of 310 pounds (140 kg) or more, then the employer must appropriately modify the criteria and protocols of the Appendix to provide proper protection for such heavier weights, or the system will not be deemed to be in compliance with the requirements of this subdivision.
- (r) The attachment point of the body harness shall be located in the center of the wearer's back near shoulder level, or above the wearer's head.
- (s) Harnesses and components shall be used only for employee protection (as part of a personal fall arrest/fall-restraint system or positioning device system) and not to hoist materials.
- (t) Personal fall arrest systems and components subjected to impact loading shall be immediately removed from service and shall not be used again for employee protection until inspected and determined by a competent person to be undamaged and suitable for reuse.
- (u) The employer shall provide for prompt rescue of employees in the event of a fall or shall assure that employees are able to rescue themselves.
- (v) Personal fall arrest systems shall be inspected prior to each use for wear, damage and other deterioration, and defective components shall be removed from service.
- (w) Personal fall arrest systems shall not be attached to guardrail systems, nor shall they be attached to hoists except as specified in other parts of chapter 296-155 WAC.
- (x) When a personal fall arrest system is used at hoist areas, it shall be rigged to allow the movement of the employee only as far as the edge of the walking/working surface.
 - (5) Personal fall restraint.
- (a) Body belts or harnesses may be used for personal fall restraint.
- (b) Body belts shall be at least one and five-eighths (1 5/8) inches (4.1 cm) wide.
- (c) Anchorage points used for fall restraint shall be capable of supporting 4 times the intended load.
- (d) Restraint protection shall be rigged to allow the movement of employees only as far as the sides of the walking/working surface.
- (6) Positioning device systems. Positioning device systems and their use shall conform to the following provisions:
- (a) Positioning devices shall be rigged such that an employee cannot free fall more than 2 feet (.9 m).
- (b) Positioning devices shall be secured to an anchorage capable of supporting at least twice the potential impact load of an employee's fall or 3,000 pounds (13.3 kN), whichever is greater.

- (c) Connectors shall be drop forged, pressed or formed steel, or made of equivalent materials.
- (d) Connectors shall have a corrosion-resistant finish, and all surfaces and edges shall be smooth to prevent damage to interfacing parts of this system.
- (e) Connecting assemblies shall have a minimum tensile strength of 5,000 pounds (22.2 kN)
- (f) Dee-rings and snap-hooks shall be proof-tested to a minimum tensile load of 3,600 pounds (16 kN) without cracking, breaking, or taking permanent deformation.
- (g) Snap-hooks shall be sized to be compatible with the member to which they are connected to prevent unintentional disengagement of the snap-hook by depression of the snap-hook keeper by the connected member, or shall be a locking type snap-hook designed and used to prevent disengagement of the snap-hook by the contact of the snap-hook keeper by the connected member. As of January 1, 1998, only locking type snap-hooks shall be used.
- (h) Unless the snap-hook is a locking type and designed for the following connections, snap-hooks shall not be engaged:
 - (i) Directly to webbing, rope or wire rope;
 - (ii) To each other;
- (iii) To a dee-ring to which another snap-hook or other connector is attached;
 - (iv) To a horizontal lifeline; or
- (v) To any object which is incompatibly shaped or dimensioned in relation to the snap-hook such that unintentional disengagement could occur by the connected object being able to depress the snap-hook keeper and release itself.
- (i) Positioning device systems shall be inspected prior to each use for wear, damage, and other deterioration, and defective components shall be removed from service.
- (i) Body belts, harnesses, and components shall be used only for employee protection (as part of a personal fall arrest system or positioning device system) and not to hoist materials.
- (7) Warning line systems. Warning line systems (see WAC 296-155-24503 (2)(j)) and their use shall comply with the following provisions:
- (a) The warning line shall be erected around all sides of the roof work area or leading edge(s).
- (i) When mechanical equipment is not being used, the warning line shall be erected not less than 6 feet (1.8 m) from the roof edge.
- (ii) When mechanical equipment is being used, the warning line shall be erected not less than 6 feet (1.8 m) from the roof edge which is parallel to the direction of mechanical equipment operation, and not less than 10 feet (3.1 m) from the roof edge which is perpendicular to the direction of mechanical equipment operation.
- (iii) Points of access, materials handling areas, storage areas, and hoisting areas shall be connected to the work area by an access path formed by two warning lines.
- (iv) When the path to a point of access is not in use, a rope, wire, chain, or other barricade, equivalent in strength and height to the warning line, shall be placed across the path at the point where the path intersects the warning line erected around the work area, or the path shall be offset such that a person cannot walk directly into the work area.
- (b) Warning lines shall consist of ropes, wires, or chains, and supporting stanchions erected as follows:

- (i) The rope, wire, or chain shall be flagged at not more than 6-foot (1.8m) intervals with high-visibility material;
- (ii) The rope, wire, or chain shall be rigged and supported in such a way that its lowest point (including sag) is no less than 39 inches (1.0m) from the walking/working surface and its highest point is no more than 45 inches (1.3 m) from the walking/working surface.
- (iii) After being erected, with the rope, wire, or chain attached, stanchions shall be capable of resisting, without tipping over, a force of at least 16 pounds (71 N) applied horizontally against the stanchion, 30 inches (.8 m) above the walking/working surface, perpendicular to the warning line, and in the direction of the floor, roof, or platform edge;
- (iv) The rope, wire, or chain shall have a minimum tensile strength of 500 pounds (2.22 kN), and after being attached to the stanchions, shall be capable of supporting, without breaking, the loads applied to the stanchions as prescribed in item (iii) of this subdivision; and
- (v) The line shall be attached at each stanchion in such a way that pulling on one section of the line between stanchions will not result in slack being taken up in adjacent sections before the stanchion tips over.
- (c) No employee shall be allowed in the area between a roof edge/leading edge and a warning line unless the employee is performing roofing work in that area.
- (d) Mechanical equipment on roofs/leading edges shall be used or stored only in areas where employees are protected by a warning line system, guardrail system, or personal fall arrest system.
- (e) Warning line and safety monitor systems are prohibited on any surface whose dimensions are less than 45 inches in all directions.
- (f) Roof edge materials handling areas and materials storage. Employees working in a roof edge materials handling or materials storage area location on a low-pitched roof with a ground to eve height greater than 10 feet shall be protected from falling along all unprotected roof sides and edges of the area.
- (i) When guardrails are used at hoisting areas, a minimum of four feet of guardrail shall be erected on each side of the access point through which materials are hoisted.
- (ii) A chain or gate shall be placed across the opening between the guardrail sections when hoisting operations are not taking place.
- (iii) When guardrails are used at bitumen pipe outlets, a minimum of four feet of guardrail shall be erected on each side of the pipe.
- (iv) When safety belt/harness systems are used, they shall not be attached to the hoist.
- (v) When fall-restraint systems are used, they shall be rigged to allow the movement of employees only as far as the roof edge.
- (vi) Materials shall not be stored within six feet of the roof edge unless guardrails are erected at the roof edge.
- (8) Controlled access zones. Controlled access zones (see WAC 296-155-24503 (2)(i) and subsection (12) of this section) and their use shall conform to the following provisions:
- (a) When positive means of fall restraint, or fall arrest are not utilized, a safety monitor system shall be implemented to protect employees working between the forward edge of the control/warning line and the leading edge.

- (b) When used to control access to areas where leading edge and other operations are taking place the controlled access zone shall be defined by a control line or by any other means that restricts access.
- (i) When control lines are used, they shall be erected not less than 6 feet (1.8 m) nor more than 25 feet (7.7 m) from the unprotected or leading edge, except when erecting precast concrete members.
- (ii) When erecting precast concrete members, the control line shall be erected not less than 6 feet (1.8 m) nor more than 60 feet (18 m) or half the length of the member being erected, whichever is less, from the leading edge.
- (iii) The control line shall extend along the entire length of the unprotected or leading edge and shall be approximately parallel to the unprotected or leading edge.
- (iv) The control line shall be connected on each side to a guardrail system or wall.
- (c) When used to control access to areas where overhand bricklaying and related work are taking place:
- (i) The controlled access zone shall be defined by a control line erected not less than 10 feet (3.1 m) nor more than 15 feet (4.5 m) from the working edge.
- (ii) The control line shall extend for a distance sufficient for the controlled access zone to enclose all employees performing overhand bricklaying and related work at the working edge and shall be approximately parallel to the working edge.
- (iii) Additional control lines shall be erected at each end to enclose the controlled access zone.
- (iv) Only employees engaged in overhand bricklaying or related work shall be permitted in the controlled access zone.
- (d) Control lines shall consist of ropes, wires, tapes, or equivalent materials, and supporting stanchions as follows:
- (i) Each line shall be flagged or otherwise clearly marked at not more than 6-foot (1.8 m) intervals with high-visibility material.
- (ii) Each line shall be rigged and supported in such a way that its lowest point (including sag) is not less than 39 inches (1 m) from the walking/working surface and its highest point is not more than 45 inches (1.3 m) (50 inches (1.3 m) when overhand bricklaying operations are being performed) from the walking/working surface.
- (iii) Each line shall have a minimum breaking strength of 200 pounds (.88 kN).
- (e) On floors and roofs where guardrail systems are not in place prior to the beginning of overhand bricklaying operations, controlled access zones shall be enlarged, as necessary, to enclose all points of access, material handling areas, and storage areas.
- (f) On floors and roofs where guardrail systems are in place, but need to be removed to allow overhand bricklaying work or leading edge work to take place, only that portion of the guardrail necessary to accomplish that day's work shall be removed.
- (9) Safety monitoring systems. Safety monitoring systems (see WAC 296-155-24503 (2)(j) and subsection (12) of this section) and their use shall comply with the following provisions:
- (a) The employer shall designate a competent person as defined in WAC 296-155-24501 to monitor the safety of other employees and the employer shall ensure that the safety monitor complies with the following requirements:

- (i) The safety monitor shall be competent to recognize fall hazards;
- (ii) The safety monitor shall warn the employee when it appears that the employee is unaware of a fall hazard or is acting in an unsafe manner;
- (iii) The safety monitor shall be on the same walking/working surface and within visual sighting distance of the employee(s) being monitored;
- (iv) The safety monitor shall be close enough to communicate orally with the employee;
- (v) The safety monitor shall not have other responsibilities which could take the monitor's attention from the monitoring function;
- (vi) Be instantly distinguishable over members of the work crew;
- (vii) Not supervise more than eight exposed workers at one time; and
- (viii) The safety monitor system shall not be used when adverse weather conditions create additional hazards.
- (b) Mechanical equipment shall not be used or stored in areas where safety monitoring systems are being used to monitor employees engaged in roofing operations on low-slope roofs.
- (c) No employee, other than an employee engaged in roofing/leading edge work (on low-sloped roofs) or an employee covered by a fall protection plan, shall be allowed in an area where an employee is being protected by a safety monitoring system.
- (d) Each employee working in a controlled access zone shall be directed to comply promptly with fall hazard warnings from safety monitors.
- (e) Controlled (access) zone workers shall be distinguished from other members of the crew by wearing a high-visibility vest only while in the control zone.
- (10) Covers. Covers for holes in floors, roofs, and other walking/working surfaces shall meet the following requirements:
- (a) Covers located in roadways and vehicular aisles shall be capable of supporting, without failure, at least twice the maximum axle load of the largest vehicle exposed to cross over the cover.
- (b) All other covers shall be capable of supporting, without failure, at least twice the weight of employees, equipment, and materials that may be imposed on the cover at any one time.
- (c) All covers shall be secured when installed so as to prevent accidental displacement by the wind, equipment, or employees.
- (d) All covers shall be color coded or they shall be marked with the word "hole" or "cover" to provide warning of the hazard.
 - Note: This provision does not apply to cast iron manhole covers or steel grates used on streets or roadways.
- (11) Protection from falling objects. Falling object protection shall comply with the following provisions:
- (a) Toeboards, when used as falling object protection, shall be erected along the edge of the overhead walking/working surface for a distance sufficient to protect employees below.
- (b) Toeboards shall be capable of withstanding, without failure, a force of at least 50 pounds (222 N) applied in any

- downward or outward direction at any point along the toeboard.
- (c) Toeboards shall be a minimum of 3 1/2 inches (9 cm) in vertical height from their top edge to the level of the walking/working surface. They shall have not more than 1/4 inch (0.6 cm) clearance above the walking/working surface. They shall be solid or have openings not over 1 inch (2.5 cm) in greatest dimension.
- (d) Where tools, equipment, or materials are piled higher than the top edge of a toeboard, paneling or screening shall be erected from the walking/working surface or toeboard to the top of a guardrail system's top rail or midrail, for a distance sufficient to protect employees below.
- (e) Guardrail systems, when used as falling object protection, shall have all openings small enough to prevent passage of potential falling objects.
- (f) During the performance of overhand bricklaying and related work:
- (i) No materials or equipment except masonry and mortar shall be stored within 4 feet (1.2m) of the working edge.
- (ii) Excess mortar, broken or scattered masonry units, and all other materials and debris shall be kept clear from the work area by removal at regular intervals.
 - (g) During the performance of roofing work:
- (i) Materials and equipment shall not be stored within 6 feet (1.8m) of a roof edge unless guardrails are erected at the edge.
- (ii) Materials which are piled, grouped, or stacked near a roof edge shall be stable and self-supporting.
- (h) Canopies, when used as falling object protection, shall be strong enough to prevent collapse and to prevent penetration by any objects which may fall onto the canopy.
- (12) Fall protection plan. This option is available only to employers engaged in leading edge work, precast concrete erection work, or residential construction work (see WAC 296-155-24503 (2)(b), (1), and (m)) when the work being done is greater than six (6) (1.8m) feet but does not exceed ten (10) feet (3.05m) above the adjacent ground level or floor and can demonstrate that it is infeasible or it creates a greater hazard to use conventional fall protection equipment. The fall protection plan must conform to the following provisions.
 - Note: See WAC 296-155-24503(4) when working ten feet or more above the adjacent floor or ground level.
- (a) The fall protection plan shall be prepared by a qualified person and developed specifically for the site where the leading edge work, precast concrete work, or residential construction work is being performed and the plan must be maintained up to date.
- (b) Any changes to the fall protection plan shall be approved by a qualified person.
- (c) A copy of the fall protection plan with all approved changes shall be maintained at the job site.
- (d) The implementation of the fall protection plan shall be under the supervision of a competent person.
- (e) The fall protection plan shall document the reasons why the use of conventional fall protection systems (guard-rail systems, personal fall arrest systems, or safety net systems) are infeasible or why their use would create a greater hazard.

- (f) The fall protection plan shall include a written discussion of other measures that will be taken to reduce or eliminate the fall hazard for workers who cannot be provided with protection from the conventional fall protection systems. For example, the employer shall discuss the extent to which scaffolds, ladders, or vehicle mounted work platforms can be used to provide a safer working surface and thereby reduce the hazard of falling.
- (g) The fall protection plan shall identify each location where conventional fall protection methods cannot be used. These locations shall then be classified as controlled access zones and the employer must comply with the criteria in subsection (7) of this section.
- (h) Where no other alternative measure has been implemented, the employer shall implement a safety monitoring system in conformance with subsection (8) of this section.
- (i) The fall protection plan must include a statement which provides the name or other method of identification for each employee who is designated to work in controlled access zones. No other employees may enter controlled access zones.
- (j) In the event an employee falls, or some other related, serious incident occurs, (e.g., a near miss) the employer shall investigate the circumstances of the fall or other incident to determine if the fall protection plan needs to be changed (e.g., new practices, procedures, or training) and shall implement those changes to prevent similar types of falls or incidents.

Note: See WAC 296-155-24523, Appendix E to this Part for guidance in completing a fall protection plan to comply with this subsection.

NEW SECTION

WAC 296-155-24507 Training requirements. The following training provisions supplement other training requirements contained in chapter 296-155 WAC. Training shall be conducted regarding the hazards addressed in this Part.

- (1) Training program.
- (a) The employer shall provide a training program for each employee who might be exposed to fall hazards. The program shall enable each employee to recognize the hazards of falling and shall train each employee in the procedures to be followed in order to minimize these hazards.
- (b) The employer shall assure that each employee has been trained, as necessary, by a competent person qualified in the following areas:
 - (i) The nature of fall hazards in the work area;
- (ii) The correct procedures for erecting, maintaining, disassembling, and inspecting the fall protection systems to be used;
- (iii) The use and operation of guardrail systems, personal fall arrest systems, safety net systems, warning line systems, safety monitoring systems, controlled access zones, and other protection to be used;
- (iv) The role of each employee in the safety monitoring system when this system is used;
- (v) The limitations on the use of mechanical equipment during the performance of roofing work on low-sloped roofs;

- (vi) The correct procedures for the handling and storage of equipment and materials and the erection of overhead protection;
 - (vii) The role of employees in fall protection plans; and
 - (viii) The standards contained in this Part.
 - (2) Certification of training.
- (a) The employer shall verify compliance with subsection (1) of this section by preparing a written certification record. The written certification record shall contain the name or other identity of the employee trained, the date(s) of the training, and the signature of the person who conducted the training or the signature of the employer. If the employer relies on training conducted by another employer or completed prior to the effective date of this Part, the certification record shall indicate the date the employer determined the prior training was adequate rather than the date of actual training.
 - (b) The latest training certification shall be maintained.
- (3) Retraining. When the employer has reason to believe that any affected employee who has already been trained does not have the understanding and skill required by subsection (1) of this section, the employer shall retrain each such employee. Circumstances where retraining is required include, but are not limited to, situations where:
- (a) Changes in the workplace render previous training obsolete; or
- (b) Changes in the types of fall protection systems or equipment to be used render previous training obsolete; or
- (c) Inadequacies in an affected employee's knowledge or use of fall protection systems or equipment indicate that the employee has not retained the requisite understanding or skill.

AMENDATORY SECTION (Amending WSR 95-04-007, filed 1/18/95, effective 3/1/95)

WAC 296-155-24510 ((Fall restraint, fall arrest systems. (1) When employees are exposed to a hazard of falling from a location 10 feet or more in height, the employer shall ensure that fall restraint or fall arrest systems are provided, installed, and implemented according to the following requirements.

- (2) Fall restraint-protection shall consist of:
- (a) Standard guardrails as described in chapter 296-155 WAC Part K.
- (b) Safety belts and/or harness attached to securely rigged restraint lines.
- (i) Safety belts and/or harness shall conform to ANSI Standard:

Class I - body belt

Class II - chest harness

Class III - full body harness

Class IV - suspension/position belt

- (ii) All safety belt and lanyard hardware assemblies shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.
- (iii) Rope grab devices are prohibited for fall restraint applications unless they are part of a fall restraint system designed specifically for the purpose by the manufacturer, and used in strict accordance with the manufacturer's recommendations and instructions.

- (iv) The employer shall ensure component compatibility.
- (v) Components of fall restraint systems shall be inspected prior to each use for mildew, wear, damage, and other deterioration, and defective components shall be removed from service if their function or strength have been adversely affected.
- (vi) Anchorage points used for fall restraint shall be capable of supporting 4 times the intended load.
- (vii) Restraint protection shall be rigged to allow the movement of employees only as far as the sides and edges of the walking/working surface.
- (e) A warning line system as prescribed in WAC-296-155-24515(3) and supplemented by the use of a safety monitor system as prescribed in WAC 296-155-24521 to protect workers engaged in duties between the forward edge of the warning line and the unprotected sides and edges, including the leading edge, of a low pitched roof or walking/working surface.
- (d) Warning-line and safety monitor systems as described in WAC 296-155-24515-(3) through (4)(f) and 296-155-24520 respectively are prohibited on surfaces exceeding a 4 in 12 pitch, and on any surface whose dimensions are less than 45 inches in all directions.
 - (3) Fall arrest protection shall consist of:
 - (a) Full body harness.
- (i) An approved Class III full body harness shall be used:
- (ii) Body harness systems or components subject to impact loading shall be immediately removed from service and shall not be used again for employee protection unless inspected and determined by a competent person to be undamaged and suitable for reuse.
- (iii) All safety lines and lanyards shall be protected against being cut-or-abraded.
- (iv) Body harness systems shall be rigged to minimize free fall distance with a maximum free fall distance allowed of 6 feet, and such that the employee will not contact any lower level.
- (v) Hardware shall be drop forged, pressed or formed steel, or made of materials equivalent in strength.
- (vi) Hardware shall have a corrosion-resistant finish, and all surfaces and edges shall be smooth to prevent damage to the attached body harness or lanyard.
- (vii) When vertical lifelines (droplines) are used, not more than one employee shall be attached to any one lifeline.
- (viii) Full body harness systems shall be secured to anchorages capable of supporting 5,000 pounds per employee except: When self-retracting lifelines or other deceleration devices are used which limit free fall to two feet, anchorages shall be capable of withstanding 3,000 pounds.
- (ix) Vertical lifelines (droplines) shall have a minimum tensile strength of 5,000 pounds (22.2kN), except that self-retracting lifelines and lanyards which automatically limit free fall distance to two feet (.61 m) or less shall have a minimum tensile strength of 3,000 pounds (13.3 kN).
- (x) Horizontal lifelines shall have a tensile strength capable of supporting a fall impact load of at least 5,000 pounds (22.2 kN) per employee using the lifeline, applied anywhere along the lifeline.
- (xi) Lanyards shall have a minimum tensile strength of 5,000 pounds (22.2 kN).

- (xii) All components of body harness systems whose strength is not otherwise specified in subsection (3) of this section shall be capable of supporting a minimum fall impact load of 5,000 pounds (22.2 kN) applied at the lanyard point of connection.
- (xiii) Snap hooks shall not be connected to loops made in webbing type lanyards.
- (xiv) Snap-hooks shall not be connected to each other.
 (xv) Not more than one snap hook shall be connected to any one D ring unless they are the double locking type.
- (xvi) Full body harness systems shall be inspected prior to each use for mildew, wear, damage, and other deterioration, and defective components shall be removed from service if their function or strength have been adversely affected.
 - (b) Safety nets.
- (i) All new nets shall meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as determined and certified by the manufacturers, and shall bear a label of proof test.
- (ii) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.
- (iii) Safety nets shall be installed as close as practicable under the walking/working surface on which employees are working, but in no case more than 10 feet below such level.
- (iv) Safety nets shall extend outward at least 8 feet from the outermost projection of the work surface.
- (v) Safety nets shall be installed with sufficient clearance under them to prevent contact with the surface or structures below when subjected to an impact force equal to the drop test specified in subsection (3)(b)(vii) of this section.
- (vi) Safety nets and their installations shall be capable of absorbing an impact force equal to that produced by the drop test specified in subsection (3)(b)(vii) of this section.
- (vii) Safety-nets and safety net installations shall be drop tested at the jobsite before used as a fall protection system. The drop test shall consist of a 400 pound (180 kg) bag of sand 30+2 inches (76+5 cm) in diameter dropped into the net from the highest walking/working surface on which employees are to be protected. Exception: When the employer can demonstrate that a drop test is not feasible or practicable, the net and net installation shall be certified by a qualified person to be in compliance with the provisions of this section.
- (viii) Safety-nets shall be inspected weekly for mildew, wear, damage, and other deterioration, and defective components shall be removed from service.
- (ix) Materials, scrap pieces, and tools which have fallen into the safety net shall be removed as soon as possible from the net and at least before the next work shift.
- (x) The maximum size of each safety net mesh opening shall not exceed 36 square inches (230 cm2) nor be longer than six inches (15 cm) on any side measured center tocenter of mesh ropes or webbing. All mesh crossing shall be secured to prevent enlargement of the mesh opening.
- (xi) Each safety net (or section of it) shall have a border rope for webbing with a minimum breaking strength of 5,000 pounds (22.2 kN).
- (xii) Connections between the safety net panels shall be as strong as integral net components and shall be spaced not more than six inches (15 cm) apart.

- (e) Catch platforms.
- (i) A catch platform shall be installed within 10 vertical feet of the work area.
- (ii) The catch platforms width shall equal the distance of the fall but shall be a minimum of 45 inches wide and shall be equipped with standard guardrails on all open sides.
- (4) Droplines or lifelines used on rock scaling operations, or in areas where the lifeline may be subjected to cutting or abrasion, shall be a minimum of 7/8 inch wire core manila rope. For all other lifeline applications, a minimum of 3/4 inch manila or equivalent, with a minimum breaking strength of 5,000 pounds, shall be used.
- (5) Safety harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used while performing the following types of work when other equivalent type protection is not provided:
- (a) Work performed in permit required confined spaces and other confined spaces shall follow the procedures as described in chapter 296-62 WAC Part M.
- (b) Work on hazardous slopes, or dismantling safety nets, working on poles or from boatswains chairs at clevations greater than six feet (1.83 m), swinging scaffolds or other unguarded locations.
- (c) Work on skips and platforms used in shafts by crews when the skip or eage does not occlude the opening to within one foot (30.5 cm) of the sides of the shaft, unless eages are provided.)) Reserved.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

- WAC 296-155-24515 ((Guarding of low-pitched roof perimeters. (1) General provisions. During the performance of work on low-pitched roofs with a potential fall hazard greater than 10 feet, the employer shall ensure that employees engaged in such work be protected from falling from all unprotected sides and edges of the roof as follows:
- (a) By the use of a fall restraint or fall arrest systems, as defined in WAC 296-155-24510(1) through (2)(b)(vi) and (3) through (3)(c)(ii); or
- (b) By the use of a warning line system erected and maintained as provided in subsection (3) of this section and supplemented for employees working between the warning line and the roof edge by the use of a safety monitor system as described in WAC 296-155-24521.
- (e) Mechanical equipment shall be used or stored only in areas where employees are protected by a warning line system, or fall restraint, or fall arrest systems as described in WAC 296-155-24510(2) through (3)(e)(ii). Mechanical equipment may not be used or stored where the only protection is provided by the use of a safety monitor.
 - (2) Exceptions.
- (a) The provisions of subsection (1)(a) of this section do not apply at points of access such as stairways, ladders, and ramps, or when employees are on the roof only to inspect, investigate, or estimate roof level conditions. Roof edge materials handling areas and materials storage areas shall be guarded as provided in subsection (4) of this section.
- (b) Employees engaged in built-up roofing on lowpitched roofs less than 50 feet wide, may elect to utilize a safety monitor system without warning lines, where the use of hot tar poses an additional hazard to workers.

- (3) Warning lines systems.
- (a) Warning lines shall be erected around all sides of the work area.
- (i) When mechanical equipment is not being used, the warning line shall be erected not less than six feet (1.8 meters) from the edge of the roof.
- (ii) When mechanical equipment is being used, the warning line shall be erected not less than six feet (1.8 meters) from the roof edge which is parallel to the direction of mechanical equipment operation, and not less than 10 feet (3.1 meters) from the roof edge which is perpendicular to the direction of mechanical equipment operation.
- (b) The warning line shall consist of a rope, wire, or chain and supporting stanchions erected as follows:
- (i) The rope, wire, or chain shall be flagged at not more than six foot (1.8 meter) intervals with high-visibility material.
- (ii) The rope, wire, or chain shall be rigged and supported in such a way that its lowest point (including sag) is no less than 39 inches (.86 meters) from the roof surface and its highest point is no more than 45 inches (1 meter) from the roof surface.
- (iii) After being erected, with the rope, wire or chain attached, stanchions shall be capable of resisting, without tipping over, a force of at least 16 pounds (71 Newtons) applied horizontally against the stanchion, 30 inches (0.76 meters) above the roof surface, perpendicular to the warning line, and in the direction of the roof edge.
- (iv) The rope, wire, or chain shall have a minimum tensile strength of 500 pounds (227 Kilograms), and after being attached to the stanchions, shall be capable of supporting, without breaking, the loads applied to the stanchions.
- (v) The line shall be attached at each stanchion in such a way that pulling on one section of the line between stanchions will not result in slack being taken up in adjacent sections before the stanchion tips over.
 - (e) Access paths shall be erected as follows:
- (i) Points of access, materials handling areas, and storage areas shall be connected to the work area by a clear access path formed by two warning lines.
- (ii) When the path to a point of access is not in use, a rope, wire or chain, equal in strength and height to the warning line, shall be placed across the path at the point where the path intersects the warning line erected around the work area.
- (4) Roof edge materials handling areas and materials storage. Employees working in a roof edge materials handling or materials storage area located on a low pitched roof with a ground to cave height greater than 10 feet shall be protected from falling along all unprotected roof sides and edges of the area.
- (a) When guardrails are used at hoisting areas, a minimum of four feet of guardrail shall be creeted on each side of the access point through which materials are hoisted.
- (b) A chain or gate shall be placed across the opening between the guardrail sections when hoisting operations are not taking place.
- (e) When guardrails are used at bitumen pipe outlets, a minimum of four feet of guardrail shall be creeted on each side of the pipe.
- (d) When safety belt/harness systems are used, they shall not be attached to the hoist.

(e) When fall restraint systems are used, they shall be rigged to allow the movement of employees only as far as the roof edge.

(f) Materials shall not be stored within six feet of the roof edge unless guardrails are erected at the roof edge.)) Reserved.

NEW SECTION

WAC 296-155-24519 Appendix A to Part C-1—Determining roof widths non-mandatory guidelines for complying with WAC 296-155-24503 (2)(j). (1) This appendix serves as a guideline to assist employers complying with the requirements of WAC 296-155-24503 (2)(j). WAC 296-24503 (2)(j) allows the use of a safety monitoring system alone as a means of providing fall protection during the performance of roofing operations on low-sloped roofs 50 feet (15.25 m) or less in width. Each example in the appendix shows a roof plan or plans and indicates where each roof or roof area is to be measured to determine its width. Section views or elevation views are shown where appropriate. Some examples show "correct" and "incorrect" subdivisions of irregularly shaped roofs divided into smaller, regularly shaped areas. In all examples, the dimension

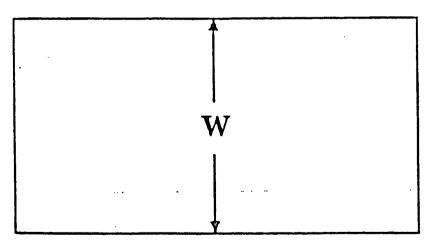
selected to be the width of an area is the lesser of the two primary dimensions of the area, as viewed from above. Example A shows that on a simple rectangular roof, width is the lesser of the two primary overall dimensions. This is also the case with roofs which are sloped toward or away from the roof center, as shown in Example B.

(2) Many roofs are not simple rectangles. Such roofs may be broken down into subareas as shown in Example C. The process of dividing a roof area can produce many different configurations. Example C gives the general rule of using dividing lines of minimum length to minimize the size and number of the areas which are potentially less than 50 feet (15.25 m) wide. The intent is to minimize the number of roof areas where safety monitoring systems alone are sufficient protection.

(3) Roofs which are comprised of several separate, non-contiguous roof areas, as in Example D, may be considered as a series of individual roofs. Some roofs have penthouses, additional floors, courtyard openings, or similar architectural features; Example E shows how the rule for dividing roofs into subareas is applied to such configurations. Irregular, non-rectangular roofs must be considered on an individual basis, as shown in Example F.

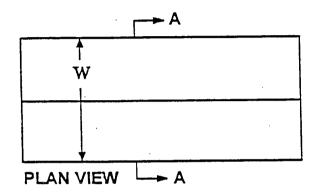
Example A

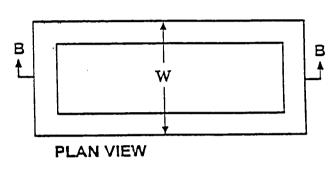
Rectangular Shaped Roof

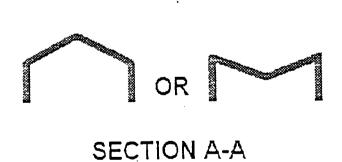


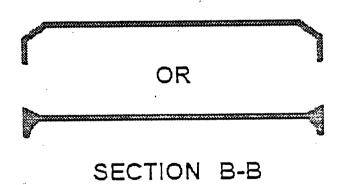
PLAN VIEW

Example B
Sloped Rectangular Shaped Roofs



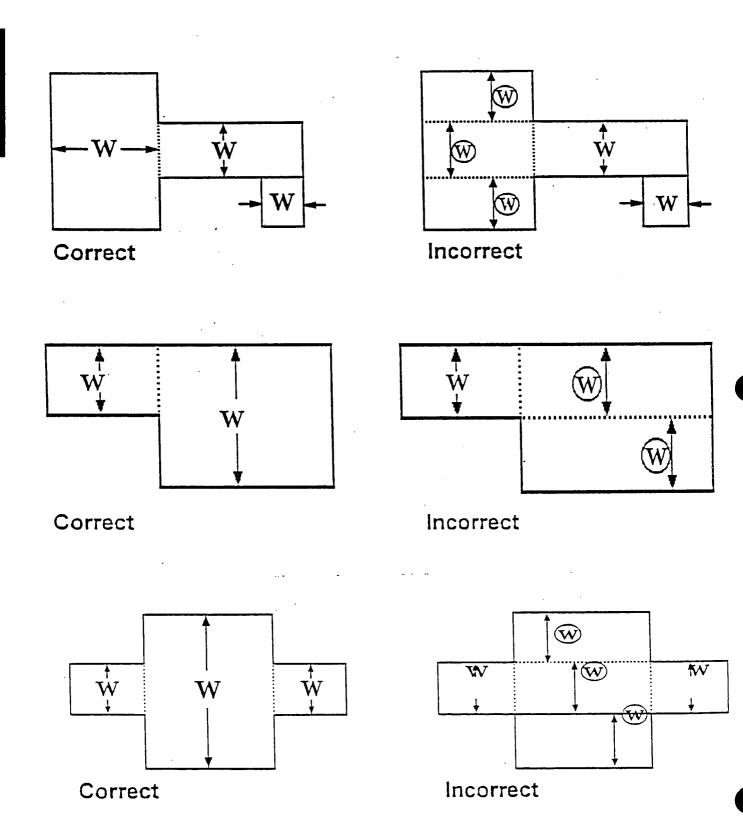






Example C

Irregularly Shaped Roofs With Rectangular Shaped Sections

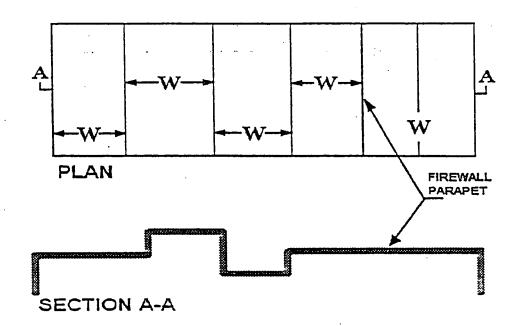


Such roofs are to be divided into subareas by using dividing lines of minimum length to minimize the size and number of the areas which are potentially less than or equal to 50 feet (15.25 meters) in width, in order to limit the size of roof areas where the safety monitoring system alone can be used (WAC 296-155-24505 (2)(j)). Dotted lines are used in the examples to show the location of dividing lines. W denotes incorrect measurements of width.

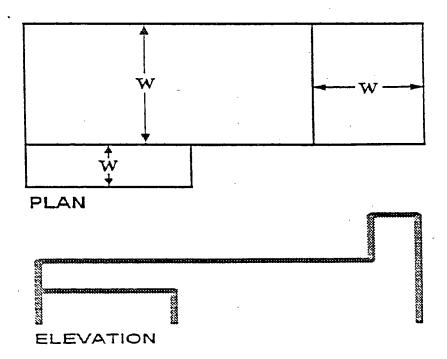
Example D

Separate, Non-Contiguous Roof Areas

1.

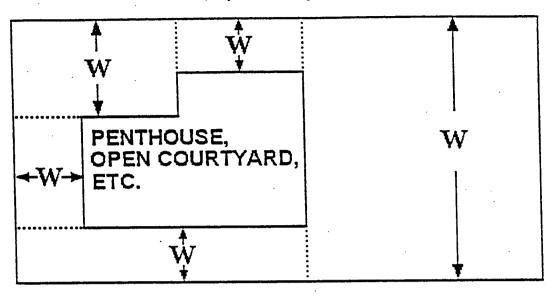


2.

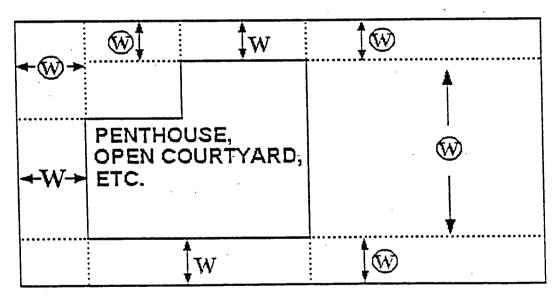


Example E

Roofs With Penthouses, Open Courtyards, Additional Floors, etc.



CORRECT



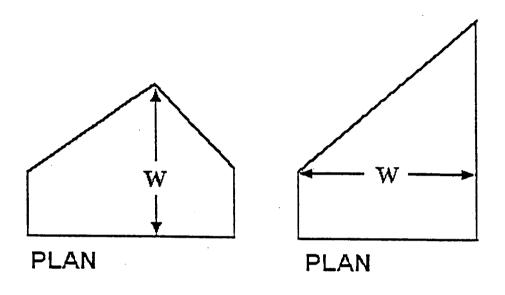
INCORRECT

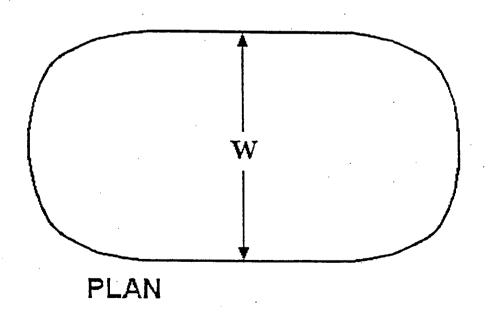
Such roofs are to be divided into subareas by using dividing lines of minimum length to minimize the size and number of the areas which are potentially less than or equal to 50 feet (15.25 meters) in width, in order to limit the size of roof areas where the safety monitoring system alone can be used (WAC 296-155-24505 (2)(j)). Dotted lines are used in the examples to show the location of dividing lines. W denotes incorrect measurements of width.

Proposed [36]

Example F

Irregular, Non-Rectangular Shaped Roofs





AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

- WAC 296-155-24520 ((Leading edge control zone.))
 Appendix B to Part C-1—Guardrail systems non-mandatory guidelines for complying with WAC 296-155-24505(2). (((1) When performing leading edge work, the employer shall ensure that a control zone be established according to the following requirements:
- (a) The control zone shall begin a minimum of 6 feet back from the leading edge to prevent exposure by employees who are not protected by fall restraint or fall arrest systems.
- (b) The control zone shall be separated from other areas of the low pitched roof or walking/working surface by the erection of a warning line system.
- (e) The warning line system shall consist of wire, rope, or chain supported on stanchions, or a method which provides equivalent protection.
- (d) The spacing of the stanchions and support of the line shall be such that the lowest point of the line (including sag) is not less than 39 inches from the walking/working surface, and its highest point is not more than 45 inches (1.3 m) from the working/walking surface.
- (e) Each line-shall have a minimum tensile strength of 500 pounds (227 Kilograms).
- (f) Each line shall be flagged or clearly marked with high visibility materials at intervals not to exceed 6 feet.
- (g) After being erected with the rope, or chain attached, stanchions shall be capable of resisting without tipping over, a force of at least 16 pounds (71 Newtons) applied horizontally against the stanchions 30 inches (0.76 meters) above the roof surface, perpendicular to the warning line and in the direction of the roof edge.
- (2) When positive means of fall restraint as described in WAC 296-155-24510 (2) (a) through (d), or fall arrest as described in WAC 296-155-24510 (3) through (5)(e) are not utilized, a safety monitor system as described in WAC 296-155-24521 shall be implemented to protect employees working between the forward edge of the warning line and the leading edge.)) The standard requires guardrail systems and components to be designed and built to meet the requirements of WAC 296-155-24505 (2)(c), (d) and (e). This Appendix serves as a non-mandatory guideline to assist employers in complying with these requirements. An employer may use these guidelines as a starting point for designing guardrail systems. However, the guidelines do not provide all the information necessary to build a complete system, and the employer is still responsible for designing and assembling these components in such a way that the completed system will meet the requirements of WAC 296-155-24505 (2)(c), (d) and (e). Components for which no specific guidelines are given in this Appendix (e.g., joints, base connections, components made with other materials, and components with other dimensions) must also be designed and constructed in such a way that the completed system meets the requirements of WAC 296-155-24505.
- (1) For wood railings: Wood components shall be a minimum of 1500 lb-ft/in² fiber (stress grade) construction grade lumber; the posts shall be at least 2-inch by 4-inch (5 cm x 10 cm) lumber spaced not more than 8 feet (2.4 m) apart on centers; the top rail shall be at least 2-inch by 4-

- inch (5 cm x 10 cm) lumber, the intermediate rail shall be at least 1-inch by 6-inch (2.5 cm x 15 cm) lumber. All lumber dimensions are nominal sizes as provided by the American Softwood Lumber Standards, dated January 1970.
- (2) For pipe railings: Posts, top rails, and intermediate railings shall be at least one and one-half inches nominal diameter (schedule 40 pipe) with posts spaced not more than 8 feet (2.4 m) apart on centers.
- (3) For structural steel railings: Posts, top rails, and intermediate rails shall be at least 2-inch by 2-inch (5 cm x 10 cm) by 3/8-inch (1.1 cm) angles, with posts spaced not more than 8 feet (2.4 m) apart on centers.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

- WAC 296-155-24521 ((Safety monitor system.))
 Appendix C to Part C-1—Personal fall arrest systems
 non-mandatory guidelines for complying with WAC 296155-24505(4). (((1) A safety monitor system (SMS) may be
 used in conjunction with a warning line system as a method
 of guarding against falls during work on low pitched roofs
 and leading edge work only.
- (2) When selected, the employer shall ensure that the safety monitor system shall be addressed in the fall protection work plan, include the name of the safety monitor(s) and the extent of their training in both the safety monitor and warning line systems, and shall ensure that the following requirements are met.
- (3) The safety monitor system shall not be used when adverse weather conditions create additional hazards.
- (4) A person acting in the capacity of safety monitor(s) shall be trained in the function of both the safety monitor and warning lines systems, and shall:
- (a) Be a competent person as defined in WAC 296-155-24503(7).
- (b) Have control authority over the work as it relates to fall protection.
- (c) Be instantly distinguishable over members of the work erew.
- (d) Engage in no other duties while acting as safety monitor.
- (e) Be positioned in relation to the workers under their protection, so as to have a clear, unobstructed view and be able to maintain normal voice communication.
- (f) Not supervise more than eight exposed workers at one time
- (5) Control zone workers shall be distinguished from other members of the crew by wearing a high visibility vest only while in the control zone.)) (1) Test methods for personal fall arrest systems and positioning device systems.
- (a) General. This Appendix serves as a non-mandatory guideline to assist employers comply with the requirements in WAC 296-155-24505(4). Subdivisions (b), (c), (d) and (e) of this Appendix describe test procedures which may be used to determine compliance with the requirements in WAC 296-155-24505 (4)(q). As noted in Appendix D of this part, the test methods listed here in Appendix C can also be used to assist employers to comply with the requirements in WAC 296-155-24505 (6)(c) and (d) for positioning device systems.
- (b) General conditions for all tests in the Appendix to WAC 296-155-24505(4).

- (i) Lifelines, lanyards and deceleration devices should be attached to an anchorage and connected to the body harness in the same manner as they would be when used to protect employees.
- (ii) The anchorage should be rigid, and should not have a deflection greater than 0.04 inches (1 mm) when a force of 2,250 pounds (10 kN) is applied.
- (iii) The frequency response of the load measuring instrumentation should be 500 Hz.
- (iv) The test weight used in the strength and force tests should be a rigid, metal, cylindrical or torso-shaped object with a girth of 38 inches plus or minus 4 inches (96 cm plus or minus 10 cm).
- (v) The lanyard or lifeline used to create the free fall distance should be supplied with the system, or in its absence, the least elastic lanyard or lifeline available to be used with the system.
- (vi) The test weight for each test should be hoisted to the required level and should be quickly released without having any appreciable motion imparted to it.
- (vii) The system's performance should be evaluated taking into account the range of environmental conditions for which it is designed to be used.
- (viii) Following the test, the system need not be capable of further operation.
 - (c) Strength test.
- (i) During the testing of all systems, a test weight of 300 pounds plus or minus 5 pounds (135 kg plus or minus 2.5 kg) should be used. (See subdivision (b)(iv) of this subsection).
- (ii) The test consists of dropping the test weight once. A new unused system should be used for each test.
- (iii) For lanyard systems, the lanyard length should be 6 feet plus or minus 2 inches (1.83 m plus or minus 5 cm) as measured from the fixed anchorage to the attachment on the (body belt or) body harness.
- (iv) For rope-grab-type deceleration systems, the length of the lifeline above the centerline of the grabbing mechanism to the lifeline's anchorage point should not exceed 2 feet (0.61 m).
- (v) For lanyard systems, for systems with deceleration devices which do not automatically limit free fall distance to 2 feet (0.61 m) or less, and for systems with deceleration devices which have a connection distance in excess of 1 foot (0.3 m) (measured between the centerline of the lifeline and the attachment point to the harness), the test weight should be rigged to free fall a distance of 7.5 feet (2.3 m) from a point that is 1.5 feet (.46 m) above the anchorage point, to its hanging location (6 feet below the anchorage). The test weight should fall without interference, obstruction, or hitting the floor or ground during the test. In some cases a non-elastic wire lanyard of sufficient length may need to be added to the system (for test purposes) to create the necessary free fall distance.
- (vi) For deceleration device systems with integral lifelines or lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less, the test weight should be rigged to free fall a distance of 4 feet (1.22 m).
- (vii) Any weight which detaches from the harness has failed the strength test.
 - (d) Force test.

- (i) General. The test consists of dropping the respective test weight once as specified in (d)(ii)(A) or (d)(iii)(A) of this subsection. A new, unused system should be used for each test.
 - (ii) For lanyard systems.
- (A) A test weight of 220 pounds plus or minus 3 pounds (100 kg plus or minus 1.6 kg) should be used. (See (b)(iv) of this subsection).
- (B) Lanyard length should be 6 feet plus or minus two inches (1.83 m plus or minus 5 cm) as measured from the fixed anchorage to the attachment on the body harness.
- (C) The test weight should fall free from the anchorage level to its hanging location (a total of 6 feet (1.83 m) free fall distance) without interference, obstruction, or hitting the floor or ground during the test.
 - (iii) For all other systems.
- (A) A test weight of 220 pounds plus or minus 3 pounds (100 kg plus or minus 1.6 kg) should be used. (See (b)(iv) of this subsection).
- (B) The free fall distance to be used in the test should be the maximum fall distance physically permitted by the system during normal use conditions, up to a maximum free fall distance for the test weight of 6 feet (1.83 m), except as follows:
- (I) For deceleration systems which have a connection link or lanyard, the test weight should free fall a distance equal to the connection distance (measured between the centerline of the lifeline and the attachment point to the harness).
- (II) For deceleration device systems with integral lifelines or lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less, the test weight should free fall a distance equal to that permitted by the system in normal use. (For example, to test a system with a self-retracting lifeline or lanyard, the test weight should be supported and the system allowed to retract the lifeline or lanyard as it would in normal use. The test weight would then be released and the force and deceleration distance measured).
- (iv) A system fails the force test if the recorded maximum arresting force exceeds 2,520 pounds (11.2 kN) when using a body harness.
- (v) The maximum elongation and deceleration distance should be recorded during the force test.
 - (e) Deceleration device tests.
- (i) General. The device should be evaluated or tested under the environmental conditions, (such as rain, ice, grease, dirt, type of lifeline, etc.), for which the device is designed.
 - (ii) Rope-grab-type deceleration devices.
- (A) Devices should be moved on a lifeline 1,000 times over the same length of line a distance of not less than 1 foot (30.5 cm), and the mechanism should lock each time.
- (B) Unless the device is permanently marked to indicate the type(s) of lifeline which must be used, several types (different diameters and different materials), of lifelines should be used to test the device.
- (iii) Other self-activating-type deceleration devices. The locking mechanisms of other self-activating-type deceleration devices designed for more than one arrest should lock each of 1,000 times as they would in normal service.

- (2) Additional non-mandatory guidelines for personal fall arrest systems. The following information constitutes additional guidelines for use in complying with requirements for a personal fall arrest system.
 - (a) Selection and use considerations.
- (i) The kind of personal fall arrest system selected should match the particular work situation, and any possible free fall distance should be kept to a minimum. Consideration should be given to the particular work environment. For example, the presence of acids, dirt, moisture, oil, grease, etc., and their effect on the system, should be evaluated. Hot or cold environments may also have an adverse effect on the system. Wire rope should not be used where an electrical hazard is anticipated. As required by the standard, the employer must plan to have means available to promptly rescue an employee should a fall occur, since the suspended employee may not be able to reach a work level independently.
- (ii) Where lanyards, connectors, and lifelines are subject to damage by work operations such as welding, chemical cleaning, and sandblasting, the component should be protected, or other securing systems should be used. The employer should fully evaluate the work conditions and environment (including seasonal weather changes) before selecting the appropriate personal fall protection system. Once in use, the system's effectiveness should be monitored. In some cases, a program for cleaning and maintenance of the system may be necessary.
- (b) Testing considerations. Before purchasing or putting into use a personal fall arrest system, an employer should obtain from the supplier information about the system based on its performance during testing so that the employer can know if the system meets this standard. Testing should be done using recognized test methods. This Appendix contains test methods recognized for evaluating the performance of fall arrest systems. Not all systems may need to be individually tested; the performance of some systems may be based on data and calculations derived from testing of similar systems, provided that enough information is available to demonstrate similarity of function and design.
- (c) Component compatibility considerations. Ideally, a personal fall arrest system is designed, tested, and supplied as a complete system. However, it is common practice for lanyards, connectors, lifelines, deceleration devices, and body harnesses to be interchanged since some components wear out before others. The employer and employee should realize that not all components are interchangeable. For instance, a lanyard should not be connected between a harness and a deceleration device of the self-retracting type since this can result in additional free fall for which the system was not designed. Any substitution or change to a personal fall arrest system should be fully evaluated or tested by a competent person to determine that it meets the standard, before the modified system is put in use.
- (d) Employee training considerations. Thorough employee training in the election and use of personal fall arrest systems is imperative. Employees must be trained in the safe use of the system. This should include the following: Application limits; proper anchoring and tie-off techniques; estimation of free fall distance, including determination of deceleration distance, and total fall distance to prevent striking a lower level; methods of use; and

- inspection and storage of the system. Careless or improper use of the equipment can result in serious injury or death. Employers and employees should become familiar with the material in this Appendix, as well as manufacturer's recommendations, before a system is used. Of uppermost importance is the reduction in strength caused by certain tie-offs (such as using knots, tying around sharp edges, etc.) and maximum permitted free fall distance. Also, to be stressed are the importance of inspections prior to use, the limitations of the equipment, and unique conditions at the worksite which may be important in determining the type of system to use.
- (e) Instruction considerations. Employers should obtain comprehensive instructions from the supplier as to the system's proper use and application, including, where applicable:
 - (i) The force measured during the sample force test;
- (ii) The maximum elongation measured for lanyards during the force test;
- (iii) The deceleration distance measured for deceleration devices during the force test;
 - (iv) Caution statements on critical use limitations;
 - (v) Application limits;
- (vi) Proper hook-up, anchoring and tie-off techniques, including the proper dee-ring or other attachment point to use on the harness for fall arrest;
 - (vii) Proper climbing techniques;
- (viii) Methods of inspection, use, cleaning, and storage; and
- (ix) Specific lifelines which may be used. This information should be provided to employees during training.
- (f) Rescue considerations. As required by WAC 296-155-24505 (4)(u), when personal fall arrest systems are used, the employer must assure that employees can be promptly rescued or can rescue themselves should a fall occur. The availability of rescue personnel, ladders or other rescue equipment should be evaluated. In some situations, equipment which allows employees to rescue themselves after the fall has been arrested may be desirable, such as devices which have descent capability.
- (g) Inspection considerations. As required by WAC 296-155-24505 (4)(v), personal fall arrest systems must be regularly inspected. Any component with any significant defect, such as cuts, tears, abrasions, mold, or undue stretching; alterations or additions which might affect its efficiency; damage due to deterioration; contact with fire, acids, or other corrosives; distorted hooks or faulty hook springs; tongues unfitted to the shoulder of buckles; loose or damaged mountings; non-functioning parts; or wearing or internal deterioration in the ropes must be withdrawn from service immediately, and should be tagged or marked as unusable, or destroyed.
 - (h) Tie-off considerations.
- (i) One of the most important aspects of personal fall protection systems is fully planning the system before it is put into use. Probably the most overlooked component is planning for suitable anchorage points. Such planning should ideally be done before the structure or building is constructed so that anchorage points can be incorporated during construction for use later for window cleaning or other building maintenance. If properly planned, these

anchorage points may be used during construction, as well as afterwards.

- (A) Properly planned anchorages should be used if they are available. In some cases, anchorages must be installed immediately prior to use. In such cases, a registered professional engineer with experience in designing fall protection systems, or another qualified person with appropriate education and experience should design an anchor point to be installed.
- (B) In other cases, the department recognizes that there will be a need to devise an anchor point from existing structures. Examples of what might be appropriate anchor points are steel members or I-beams if an acceptable strap is available for the connection (do not use a lanyard with a snap-hook clipped onto itself); large eye-bolts made of an appropriate grade steel; guardrails or railings if they have been designed for use as an anchor point; or masonry or wood members only if the attachment point is substantial and precautions have been taken to assure that bolts or other connectors will not pull through. A qualified person should be used to evaluate the suitable of these "make shift" anchorages with a focus on proper strength.
- (ii) Employers and employees should at all times be aware that the strength of a personal fall arrest system is based on its being attached to an anchoring system which does not reduce the strength of the system (such as a properly dimensioned eye-bolt/snap-hook anchorage). Therefore, if a means of attachment is used that will reduce the strength of the system, that component should be replaced by a stronger one, but one that will also maintain the appropriate maximum arrest force characteristics.
- (iii) Tie-off using a knot in a rope lanyard or lifeline (at any location) can reduce the lifeline or lanyard strength by 50 percent or more. Therefore, a stronger lanyard or lifeline should be used to compensate for the weakening effect of the knot, or the lanyard length should be reduced (or the tie-off location raised) to minimize free fall distance, or the lanyard or lifeline should be replaced by one which has an appropriately incorporated connector to eliminate the need for a knot.
- (iv) Tie-off of a rope lanyard or lifeline around an "H" or "I" beam or similar support can reduce its strength as much as 70 percent due to the cutting action of the beam edges. Therefore, use should be made of a webbing lanyard or wire core lifeline around the beam; or the lanyard or lifeline should be protected from the edge; or free fall distance should be greatly minimized.
- (v) Tie-off where the line passes over or around rough or sharp surfaces reduces strength drastically. Such a tie-off should be avoided or an alternative tie-off rigging should be used. Such alternatives may include use of a snap-hook/deering connection, wire rope tie-off, an effective padding of the surfaces, or an abrasion-resistance strap around or over the problem surface.
- (vi) Horizontal lifelines may, depending on their geometry and angle of sag, be subjected to greater loads than the impact load imposed by an attached component. When the angle of horizontal lifeline sag is less than 30 degrees, the impact force imparted to the lifeline by an attached lanyard is greatly amplified. For example, with a sag angle of 15 degrees, the force amplification is about 2:1 and at 5 degrees sag, it is about 6:1. Depending on the angle of sag,

and the line's elasticity, the strength of the horizontal lifeline and the anchorages to which it is attached should be increased a number of times over that of the lanyard. Extreme care should be taken in considering a horizontal lifeline for multiple tie-offs. The reason for this is that in multiple tie-offs to a horizontal lifeline, if one employee falls, the movement of the falling employee and the horizontal lifeline during arrest of the fall may cause other employees to fall also. Horizontal lifeline and anchorage strength should be increased for each additional employee to be tied off. For these and other reasons, the design of systems using horizontal lifelines must only be done by qualified persons. Testing of installed lifelines and anchors prior to use is recommended.

(vii) The strength of an eye-bolt is rated along the axis of the bolt and its strength is greatly reduced if the force is applied at an angle to this axis (in the direction of shear). Also, care should be exercised in selecting the proper diameter of the eye to avoid accidental disengagement of snap-hooks not designed to be compatible for the connection.

- (viii) Due to the significant reduction in the strength of the lifeline/lanyard (in some cases, as much as a 70 percent reduction), the sliding hitch knot (prusik) should not be used for lifeline/lanyard connections except in emergency situations where no other available system is practical. The "one-and-one" sliding hitch knot should never be used because it is unreliable in stopping a fall. The "two-and-two," or "three-and-three" knot (preferable) may be used in emergency situations; however, care should be taken to limit free fall distance to a minimum because of reduced lifeline/lanyard strength.
- (i) Vertical lifeline considerations. As required by the standard, each employee must have a separate lifeline (except employees engaged in constructing elevator shafts who are permitted to have two employees on one lifeline) when the lifeline is vertical. The reason for this is that in multiple tie-offs to a single lifeline, if one employee falls, the movement of the lifeline during the arrest of the fall may pull other employees' lanyards, causing them to fall as well.
 - (j) Snap-hook considerations.
- (i) Although not required by this standard for all connections until January 1, 1998, locking snap-hooks designed for connection to suitable objects (of sufficient strength) are highly recommended in lieu of the nonlocking type. Locking snap-hooks incorporate a positive locking mechanism in addition to the spring loaded keeper, which will not allow the keeper to open under moderate pressure without someone first releasing the mechanism. Such a feature, properly designed, effectively prevents roll-out from occurring.
- (ii) As required by WAC 296-155-24505 (4)(f), the following connections must be avoided (unless properly designed locking snap-hooks are used) because they are conditions which can result in roll-out when a nonlocking snap-hook is used:
- (A) Direct connection of a snap-hook to a horizontal lifeline.
- (B) Two (or more) snap-hooks connected to one deering.
 - (C) Two snap-hooks connected to each other.
 - (D) A snap-hook connected back on its integral lanyard.

- (E) A snap-hook connected to a webbing loop or webbing lanyard.
- (F) Improper dimensions of the dee-ring, rebar, or other connection point in relation to the snap-hook dimensions which would allow the snap-hook keeper to be depressed by a turning motion of the snap-hook.
- (k) Free fall considerations. The employer and employee should at all times be aware that a system's maximum arresting force is evaluated under normal use conditions established by the manufacturer, and in no case using a free fall distance in excess of 6 feet (1.8 m). A few extra feet of free fall can significantly increase the arresting force on the employee, possibly to the point of causing injury. Because of this, the free fall distance should be kept at a minimum, and, as required by the standard, in no case greater than 6 feet (1.8 m). To help assure this, the tie-off attachment point to the lifeline or anchor should be located at or above the connection point of the fall arrest equipment or harness. (Since otherwise additional free fall distance is added to the length of the connecting means (i.e. lanyard)). Attaching to the working surface will often result in a free fall greater than 6 feet (1.8 m). For instance, if a 6-foot (1.8 m) lanyard is used, the total free fall distance will be the distance from the working level to the harness attachment point plus the 6 feet (1.8 m) of lanyard length. Another important consideration is that the arresting force which the fall-arrest system must withstand also goes up with greater distances of free fall, possibly exceeding the strength of the system.
- (1) Elongation and deceleration distance considerations. Other factors involved in a proper tie-off are elongation and deceleration distance. During the arresting of a fall, a lanyard will experience a length of stretching or elongation, whereas activation of a deceleration device will result in a certain stopping distance. These distances should be available with the lanyard or device's instructions and must be added to the free fall distance to arrive at the total fall distance before an employee is fully stopped. The additional stopping distance may be very significant if the lanyard or deceleration device is attached near or at the end of a long lifeline, which may itself add considerable distance due to its own elongation. As required by the standard, sufficient distance to allow for all of these factors must also be maintained between the employee and obstructions below, to prevent an injury due to impact before the system fully arrests the fall. In addition, a minimum of 12 feet (3.7 m) of lifeline should be allowed below the securing point of a rope grab type deceleration device, and the end terminated to prevent the device from sliding off the lifeline. Alternatively, the lifeline should extend to the ground or the next working level below. These measures are suggested to prevent the worker from inadvertently moving past the end of the lifeline and having the rope grab become disengaged from the lifeline.
- (m) Obstruction considerations. The location of the tieoff should also consider the hazard of obstructions in the potential fall path of the employee. Tie-offs which minimize the possibilities of exaggerated swinging should be considered. Thus, obstructions which might interfere with this motion should be avoided or a severe injury could occur.
- (n) Other considerations. Because of the design of some personal fall arrest systems, additional considerations may be required for proper tie-off. For example, heavy

deceleration devices of the self-retracting type should be secured overhead in order to avoid the weight of the device having to be supported by the employee. In all cases, manufacturer's instructions should be followed.

NEW SECTION

WAC 296-155-24522 Appendix D to Part C-1—Positioning device systems non-mandatory guidelines for complying with WAC 296-155-24505(6). (1) Testing methods for positioning device systems. This Appendix serves as a non-mandatory guideline to assist employers in complying with the requirements for positioning device systems in WAC 296-155-24505(6). Subdivisions (b), (c), (d) and (e) of Appendix C of Part C-1 relating to WAC 296-155-24505(4)—Personal fall arrest systems—set forth test procedures which may be used, along with the procedures listed below, to determine compliance with the requirements for positioning device systems in WAC 296-155-24505 (6)(c) and (d) of Part C-1.

- (a) General. Single strap positioning devices shall have one end attached to a fixed anchorage and the other end connected to a body belt or harness in the same manner as they would be used to protect employees. Double strap positioning devices, similar to window cleaner's belts, shall have one end of the strap attached to a fixed anchorage and the other end shall hang free. The body belt or harness shall be attached to the strap in the same manner as it would be used to protect employees. The two strap ends shall be adjusted to their maximum span.
- (b) The fixed anchorage shall be rigid, and shall not have a deflection greater than .04 inches (1 mm) when a force of 2,250 pounds (10 kN) is applied.
- (c) During the testing of all systems, a test weight of 250 pounds plus or minus 3 pounds (113 kg plus or minus 1.6 kg) shall be used. The weight shall be a rigid object with a girth of 38 inches plus or minus 4 inches (96 cm plus or minus 10 cm).
- (d) Each test shall consist of dropping the specified weight one time without failure of the system being tested. A new system shall be used for each test.
- (e) The test weight for each test shall be hoisted exactly 4 feet (1.2 m above its "at rest" position), and shall be dropped so as to permit a vertical free fall of 4 feet (1.2 m).
- (f) The test is failed whenever any breakage or slippage occurs which permits the weight to fall free of the system.
- (g) Following the test, the system need not be capable of further operation; however, all such incapacities shall be readily apparent.
- (2) Inspection considerations. As required in WAC 296-155-24505 (6)(e), positioning device systems must be regularly inspected. Any component with any significant defect, such as cuts, tears, abrasions, mold, or undue stretching; alterations or additions which might affect its efficiency; damage due to deterioration; contact with fire, acids, or other corrosives; distorted hooks or faulty hook springs; tongues unfitted to the shoulder of buckles; loose or damaged mountings; non-functioning parts; or wearing or internal deterioration in the ropes must be withdrawn from service immediately, and should be tagged or marked as unusable, or destroyed.

Proposed [42]

NEW SECTION

WAC 296-155-24523 Appendix E to Part C-1-Sample fall protection plan non-mandatory guidelines for complying with WAC 296-155-24505(12). Employers engaged in leading edge work, precast concrete construction work and residential construction work who can demonstrate that it is infeasible or creates a greater hazard to use conventional fall protection systems must develop and follow a fall protection plan. Below are sample fall protection plans developed for precast concrete construction and residential work that could be tailored to be site specific for other precast concrete or residential job sites. This sample plan can be modified to be used for other work involving leading edge work. The sample plan outlines the elements that must be addressed in any fall protection plan. The reasons outlined in this sample fall protection plan are for illustrative purposes only and are not necessarily a valid, acceptable rationale (unless the conditions at the job site are the same as those covered by these sample plans) for not using conventional fall protection systems for a particular precast concrete or residential construction worksite. However, the sample plans provide guidance to employers on the type of information that is required to be discussed in fall protection plans.

Sample Fall Protection Plans

Fall Protection Plan For Precast/Prestress Concrete Structures

This Fall Protection Plan is specific for the following project:

Location of Job																			
Erecting Company																			
Date Plan Prepared	OI	ſ	N	10)(li	fi	e	d										
Plan Prepared By .																			
Plan Approved By																			
Plan Supervised By	,																		

The following Fall Protection Plan is a sample program prepared for the prevention of injuries associated with falls. A Fall Protection Plan must be developed and evaluated on a site by site basis. It is recommended that erectors discuss the written Fall Protection Plan with their WISHA Regional Office prior to going on a job site.

- (1) Statement of Company Policy: (Company Name) is dedicated to the protection of its employees from on-the-job injuries. All employees of (Company Name) have the responsibility to work safely on the job. The purpose of this plan is:
- (a) To supplement our standard safety policy by providing safety standards specifically designed to cover fall protection on this job and;
- (b) To ensure that each employee is trained and made aware of the safety provisions which are to be implemented by this plan prior to the start of erection.

This fall protection plan addresses the use of other than conventional fall protection at a number of areas on the project, as well as identifying specific activities that require non-conventional means of fall protection.

These areas include:

Connecting activity (point of erection).

Leading edge work. Unprotected sides or edge. Grouting.

This plan is designed to enable employers and employees to recognize the fall hazards on this job and to establish the procedures that are to be followed in order to prevent falls to lower levels or through holes and openings in walking/working surfaces. Each employee will be trained in these procedures and strictly adhere to them except when doing so would expose the employee to a greater hazard. If, in the employee's opinion, this is the case, the employee is to notify the supervisor of the concern and the concern addressed before proceeding.

Safety policy and procedure on any one project cannot be administered, implemented, monitored and enforced by any one individual. The total objective of a safe, accident free work environment can only be accomplished by a dedicated, concerted effort by every individual involved with the project from management down to the last employee. Each employee must understand their value to the company; the costs of accidents, both monetary, physical, and emotional; the objective of the safety policy and procedures; the safety rules that apply to the safety policy and procedures; and what their individual role is in administering, implementing, monitoring, and compliance of their safety policy and procedures. This allows for a more personal approach to compliance through planning, training, understanding and cooperative effort, rather than by strict enforcement. If for any reason an unsafe act persists, strict enforcement will be implemented.

It is the responsibility of (name of Competent Person) to implement this Fall Protection Plan. (Name of Competent Person) is responsible for continual observational safety checks of their work operations and to enforce the safety policy and procedures. The foreman also is responsible to correct any unsafe acts or conditions immediately. It is the responsibility of the employee to understand and adhere to the procedures of this plan and to follow the instructions of the foreman. It is also the responsibility of the employee to bring to management's attention any unsafe or hazardous conditions or acts that may cause injury to either themselves or any other employees. Any changes to this Fall Protection Plan must be approved by (name of Qualified Person).

(2) Fall Protection Systems to be Used on This Project: Where conventional fall protection is infeasible or creates a greater hazard at the leading edge and during initial connecting activity, we plan to do this work using a safety monitoring system and expose only a minimum number of employees for the time necessary to actually accomplish the job. The maximum number of workers to be monitored by one safety monitor is eight (8). We are designating the following trained employees as designated erectors and they are permitted to enter the controlled access zones and work without the use of conventional fall protection.

Safety monitor:

Designated erector:

Designated erector:

Designated erector:

Designated erector: Designated erector:

Designated erector:

The safety monitor shall be identified by wearing an orange hard hat. The designated erectors will be identified by one of the following methods:

- (a) They will wear a blue colored arm band, or
- (b) They will wear a blue colored hard hat, or
- (c) They will wear a blue colored vest.

Note: See WAC 296-155-24505 (9)(e).

Only individuals with the appropriate experience, skills, and training will be authorized as designated erectors. All employees that will be working as designated erectors under the safety monitoring system shall have been trained and instructed in the following areas:

- (d) Recognition of the fall hazards in the work area (at the leading edge and when making initial connections—point of erection).
- (e) Avoidance of fall hazards using established work practices which have been made known to the employees.
- (f) Recognition of unsafe practices or working conditions that could lead to a fall, such as windy conditions.
- (g) The function, use, and operation of safety monitoring systems, guardrail systems, body belt/harness systems, control zones and other protection to be used.
- (h) The correct procedure for erecting, maintaining, disassembling and inspecting the system(s) to be used.
- (i) Knowledge of construction sequence or the erection plan.

A conference will take place prior to starting work involving all members of the erection crew, crane crew and supervisors of any other concerned contractors. This conference will be conducted by the precast concrete erection supervisor in charge of the project. During the prework conference, erection procedures and sequences pertinent to this job will be thoroughly discussed and safety practices to be used throughout the project will be specified. Further, all personnel will be informed that the controlled access zones are off limits to all personnel other than those designated erectors specifically trained to work in that area.

- (3) Safety Monitoring System: A safety monitoring system means a fall protection system in which a competent person is responsible for recognizing and warning employees of fall hazards. The duties of the safety monitor are to:
- (a) Warn by voice when approaching the open edge in an unsafe manner.
- (b) Warn by voice if there is a dangerous situation developing which cannot be seen by another person involved with product placement, such as a member getting out of control.
- (c) Make the designated erectors aware they are in a dangerous area.
 - (d) Be competent in recognizing fall hazards.
- (e) Warn employees when they appear to be unaware of a fall hazard or are acting in an unsafe manner.
- (f) Be on the same walking/working surface as the monitored employees and within visual sighting distance of the monitored employees.
- (g) Be close enough to communicate orally with the employees.
- (h) Not allow other responsibilities to encumber monitoring.
- (i) The safety monitoring system shall not be used when the wind is strong enough to cause loads with large surface

areas to swing out of radius, or result in loss of control of the load, or when weather conditions cause the walking/working surfaces to become icy or slippery.

- (4) Control Zone System: A controlled access zone means an area designated and clearly marked, in which leading edge work may take place without the use of guardrail, safety net or personal fall arrest systems to protect the employees in the area. Control zone systems shall comply with the following provisions:
- (a) When used to control access to areas where leading edge and other operations are taking place the controlled access zone shall be defined by a control line or by any other means that restricts access. When control lines are used, they shall be erected not less than 6 feet (1.8 m) nor more than 60 feet (1.8 m) or half the length of the member being erected, whichever is less, from the leading edge.
- (b) The control line shall extend along the entire length of the unprotected or leading edge and shall be approximately parallel to the unprotected or leading edge.
- (c) The control line shall be connected on each side to a guardrail system or wall.
- (d) Control lines shall consist of ropes, wires, tapes, or equivalent materials, and supporting stanchions as follows:
- (e) Each line shall be flagged or otherwise clearly marked at not more than 6-foot (1.8 m) intervals with high-visibility material.
- (f) Each line shall be rigged and supported in such a way that its lowest point (including sag) is not less than 39 inches (1 m) from the walking/working surface and its highest point is not more than 45 inches (1.3 m) from the walking/working surface.
- (g) Each line shall have a minimum breaking strength of 200 pounds (.88 kN).
- (5) Holes: All openings greater than 2 in. x 2 in. will have perimeter guarding or covering. All predetermined holes will have the plywood covers made in the precasters' yard and shipped with the member to the job site. Prior to cutting holes on the job, proper protection for the hole must be provided to protect the workers. Perimeter guarding or covers will not be removed without the approval of the erection supervisor.

Precast concrete column erection through the existing deck requires that many holes be provided through this deck. These are to be covered and protected. Except for the opening being currently used to erect a column, all opening protection is to be left undisturbed. The opening being uncovered to erect a column will become part of the point of erection and will be addressed as part of this Fall Protection Plan. This uncovering is to be done at the erection supervisor's direction and will only occur immediately prior to "feeding" the column through the opening. Once the end of the column is through the slab opening, there will no longer exist a fall hazard at this location.

- (6) Implementation of Fall Protection Plan: The structure being erected is a multistory total precast concrete building consisting of columns, beams, wall panels and hollow core slabs and double tee floor and roof members. The following is a list of the products and erection situations on this job:
- (a) Columns: For columns 10 ft to 36 ft long, employees disconnecting crane hooks from columns will work from a ladder and wear a harness with lanyard and be tied off

when both hands are needed to disconnect. For tying off, a vertical lifeline will be connected to the lifting eye at the top of the column, prior to lifting, to be used with a manually operated or mobile rope grab. For columns too high for the use of a ladder, 36 ft and higher, an added cable will be used to reduce the height of the disconnecting point so that a ladder can be used. This cable will be left in place until a point in erection that it can be removed safely. In some cases, columns will be unhooked from the crane by using an erection tube or shackle with a pull pin which is released from the ground after the column is stabilized. The column will be adequately connected and/or braced to safely support the weight of a ladder with an employee on it.

- (b) Inverted Tee Beams: Employees erecting inverted tee beams, at a height of 4 to 40 ft, will erect the beam, make initial connections, and final alignment from a ladder. If the employee needs to reach over the side of the beam to bar or make an adjustment to the alignment of the beam, they will mount the beam and be tied off to the lifting device in the beam after ensuring the load has been stabilized on its bearing. To disconnect the crane from the beam an employee will stand a ladder against the beam. Because the use of ladders is not practical at heights above 40 ft, beams will be initially placed with the use of tag lines and their final alignment made by a person on a manlift or similar employee positioning systems.
- (c) Spandrel Beams: Spandrel beams at the exterior of the building will be aligned as closely as possible with the use of tag lines with the final placement of the spandrel beam made from a ladder at the open end of the structure. A ladder will be used to make the initial connections and a ladder will be used to disconnect the crane. The other end of the beam will be placed by the designated erector from the double tee deck under the observation of the safety monitor.

The beams will be adequately connected and/or braced to safely support the weight of a ladder with an employee on it.

(d) Floor and Roof Members: During installation of the precast concrete floor and/or roof members, the work deck continuously increases in area as more and more units are being erected and positioned. Thus, the unprotected floor/roof perimeter is constantly modified with the leading edge changing location as each member is installed. The fall protection for workers at the leading edge shall be assured by properly constructed and maintained control zone lines not more than 60 ft away from the leading edge supplemented by a safety monitoring system to ensure the safety of all designated erectors working within the area defined by the control zone lines.

The hollow core slabs erected on the masonry portion of the building will be erected and grouted using the safety monitoring system. Grout will be placed in the space between the end of the slab and face shell of the concrete masonry by dumping from a wheelbarrow. The grout in the keyways between the slabs will be dumped from a wheelbarrow and then spread with long handled tools, allowing the worker to stand erect facing toward the unprotected edge and back from any work deck edge.

Whenever possible, the designated erectors will approach the incoming member at the leading edge only after

it is below waist height so that the member itself provides protection against falls.

Except for the situations described below, when the arriving floor or roof member is within 2 to 3 inches of its final position, the designated erectors can then proceed to their position of erection at each end of the member under the control of the safety monitor. Crane hooks will be unhooked from double tee members by designated erectors under the direction and supervision of the safety monitor.

Designated erectors, while waiting for the next floor or roof member, will be constantly under the control of the safety monitor for fall protection and are directed to stay a minimum of six (6) ft from the edge. In the event a designated erector must move from one end of a member, which has just been placed at the leading edge, they must first move away from the leading edge a minimum of six (6) ft and then progress to the other end while maintaining the minimum distance of six (6) feet at all times.

Horizontal cables used as an anchorage present an additional hazard due to amplification of the horizontal component of maximum arrest force (of a fall) transmitted to the points where the horizontal cable is attached to the structure. This amplification is due to the angle of sag of a horizontal cable and is most severe for small angles of sag. For a cable sag angle of 2 degrees the horizontal force on the points of cable attachment can be amplified by a factor of 15.

It is also necessary to install the retractable device vertically overhead to minimize swing falls. If an object is in the worker's swing path (or that of the cable) hazardous situations exist: (i) due to the swing, horizontal speed of the user may be high enough to cause injury when an obstacle in the swing fall path is struck by either the user or the cable; (ii) the total vertical fall distance of the user may be much greater than if the user had fallen only vertically without a swing fall path.

With retractable lines, overconfidence may cause the worker to engage in inappropriate behavior, such as approaching the perimeter of a floor or roof at a distance appreciably greater than the shortest distance between the anchorage point and the leading edge. Though the retractable lifeline may arrest a worker's fall before he or she has fallen a few feet, the lifeline may drag along the edge of the floor or beam and swing the worker like a pendulum until the line has moved to a position where the distance between the anchorage point and floor edge is the shortest distance between those two points. Accompanying this pendulum swing is a lowering of the worker, with the attendant danger that he or she may violently impact the floor or some obstruction below.

The risk of a cable breaking is increased if a lifeline is dragged sideways across the rough surface or edge of a concrete member at the same moment that the lifeline is being subjected to a maximum impact loading during a fall.

The typical 3/16 in. cable in a retractable lifeline has a breaking strength of from 3000 to 3700 lbs.

- (7) Safety Net Systems: The nature of this particular precast concrete erection worksite precludes the safe use of safety nets where point of erection or leading edge work must take place.
- (a) To install safety nets in the interior high bay of the single story portion of the building poses rigging attachment

problems. Structural members do not exist to which supporting devices for nets can be attached in the area where protection is required. As the erection operation advances, the location of point of erection or leading edge work changes constantly as each member is attached to the structure. Due to this constant change it is not feasible to set net sections and build separate structures to support the nets

- (b) The nature of the erection process for the precast concrete members is such that an installed net would protect workers as they position and secure only one structural member. After each member is stabilized the net would have to be moved to a new location (this could mean a move of 8 to 10 ft or the possibility of a move to a different level or area of the structure) to protect workers placing the next piece in the construction sequence. The result would be the installation and dismantling of safety nets repeatedly throughout the normal work day. As the time necessary to install a net, test, and remove it is significantly greater than the time necessary to position and secure a precast concrete member, the exposure time for the worker installing the safety net would be far longer than for the workers whom the net is intended to protect. The time exposure repeats itself each time the nets and supporting hardware must be moved laterally or upward to provide protection at the point of erection or leading edge.
- (c) Strict interpretation of WAC 296-155-24505(3) requires that operations shall not be undertaken until the net is in place and has been tested. With the joint of erection constantly changing, the time necessary to install and test safety net significantly exceeds the time necessary to position and secure the concrete member.
- (d) Use of safety nets on exposed perimeter wall openings and opensided floors, causes attachment points to be left in architectural concrete which must be patched and filled with matching material after the net supporting hardware is removed. In order to patch these openings, additional numbers of employees must be suspended by swing stages, boatswain chairs or other devices, thereby increasing the amount of fall exposure time to employees.
- (e) Installed safety nets pose an additional hazard at the perimeter of the erected structure where limited space is available in which members can be turned after being lifted from the ground by the crane. There would be a high probability that the member being lifted could become entangled in net hardware, cables, etc.
- (f) The use of safety nets where structural wall panels are being erected would prevent movement of panels to point of installation. To be effective, nets would necessarily have to provide protection across the area where structural supporting wall panels would be set and plumbed before roof units could be placed.
- (g) Use of a tower crane for the erection of the high rise portion of the structure poses a particular hazard in that the crane operator cannot see or judge the proximity of the load in relation to the structure or nets. If the signaler is looking through nets and supporting structural devices while giving instructions to the crane operator, it is not possible to judge precise relationships between the load and the structure itself or to nets and supporting structural devices. This could cause the load to become entangled in the net or hit the structure causing potential damage.

- (8) Other Fall Protection Measures Considered for This Job: The following is a list of other fall protection measures available or that could be used or that could be used on this particular job site. If during the course of erecting the building the employee sees an area that could be erected more safely by the use of these fall protection measures, the supervisor should be notified.
 - Scaffolds
 - · Vehicle mounted platforms
 - · Crane suspended personnel platforms
- (9) Enforcement: Constant awareness of and respect for fall hazards, and compliance with all safety rules are considered conditions of employment. The job site Superintendent, as well as individuals in the Safety and Personnel Department, reserve the right to issue disciplinary warnings to employees, up to and including termination, for failure to follow the guidelines of this program.
- (10) Accident Investigations: All accidents that result in injury to workers, regardless of their nature, shall be investigated and reported. It is an integral part of any safety program that documentation take place as soon as possible so that the cause and means of prevention can be identified to prevent a reoccurrence. In the event that an employee falls or there is some other related, serious incident occurring, this plan shall be reviewed to determine if additional practices, procedures, or training need to be implemented to prevent similar types of falls or incidents from occurring.
- (11) Changes to Plan: Any changes to the plan will be approved by (name of the qualified person). This plan shall be reviewed by a qualified person as the job progresses to determine if additional practices, procedures or training needs to be implemented by the competent person to improve or provide additional fall protection. Workers shall be notified and trained, if necessary, in the new procedures. A copy of this plan and all approved changes shall be maintained at the job site.
- (12) Sample fall protection plan for residential construction. This sample fall protection work plan example is only applicable when work is being done between six (6) and ten (10) feet above the adjacent ground or floor level.

(Insert Company Name)

This fall protection plan is specific for the following project:

Location of Job								
Date Plan Prepared or Modified	l							
Plan Prepared By								
Plan Approved By								
Plan Supervised By								

The following fall protection plan is a sample program prepared for the prevention of injuries associated with falls. A fall protection plan must be developed and evaluated on a site by site basis. It is recommended that builders discuss the written fall protection plan with their WISHA Region Office prior to going on a job site.

(a) Statement of Company Policy: (Your company name here) is dedicated to the protection of its employees from on-the-job injuries. All employees of (Your company name here) have the responsibility to work safely on the job. The purpose of the plan is to supplement our existing safety and health program and to ensure that every employee who

works for (Your company name here) recognizes workplace fall hazards and takes the appropriate measures to address those hazards.

This fall protection plan addresses the use of conventional fall protection at a number of areas on the project, as well as identifies specific activities that require non-conventional means of fall protection. During the construction of residential buildings and working between a height of six (6) and ten (10) above the adjacent ground or floor, it is sometimes infeasible or it creates a greater hazard to use conventional fall protection systems at specific areas or for specific tasks. The areas or tasks may include, but are not limited to:

Setting and bracing of roof trusses and rafters;

Installation of floor sheathing and joists;

Roof sheathing operations; and

Erecting exterior walls.

In these cases, conventional fall protection systems may not be the safest choice for builders. This plan is designed to enable employers and employees to recognize the fall hazards associated with this job and to establish the safest procedures that are to be followed in order to prevent falls to lower levels or through holes and openings in walking/working surfaces.

Each employee will be trained in these procedures and will strictly adhere to them except when doing so would expose the employee to a greater hazard. If, in the employee's opinion, this is the case, the employee is to notify the competent person of their concern and have the concern addressed before proceeding.

It is the responsibility of (name of competent person) to implement this fall protection plan. Continual observational safety checks of work operations and the enforcement of the safety policy and procedures shall be regularly enforced. The crew supervisor or leader (insert name) is responsible for correcting any unsafe practices or conditions immediately.

It is the responsibility of the employer to ensure that all employees understand and adhere to the procedures of this plan and to follow the instructions of the crew supervisor. It is also the responsibility of the employee to bring to management's attention any unsafe or hazardous conditions or practices that may cause injury to either themselves or any other employees. Any changes to the Fall Protection Plan must be approved by (name of qualified person).

- (b) Fall Protection Systems to be Used on This Job: Installation of roof trusses/rafters, exterior wall erection, roof sheathing, floor sheathing and joist/truss activities will be conducted by employees who are specifically trained to do this type of work and are trained to recognize the fall hazards. The nature of such work normally exposes the employee to the fall hazard for a short period of time. This Plan details how (Your company name here) will minimize these hazards.
- (i) Controlled Access Zones: When using the Plan to implement the fall protection options available, workers must be protected through limited access to high hazard locations.

Before any non-conventional fall protection systems are used as part of the work plan, a controlled access zone (CAZ) shall be clearly defined by the competent person as an area where a recognized hazard exists. The demarcation of the CAZ shall be communicated by the competent person

in a recognized manner, either through signs, wires, tapes, ropes or chains. (Your company name here) shall take the following steps to ensure that the CAZ is clearly marked or controlled by the competent person:

- All access to the CAZ must be restricted to authorized entrants;
- All workers who are permitted in the CAZ shall be listed in the appropriate sections of the Plan (or be visibly identifiable by the competent person) prior to implementation:

The competent person shall ensure that all protective elements of the CAZ be implemented prior to the beginning of work.

(ii) Installation Procedures for Roof Truss and Rafter Erection: During the erection and bracing of roof truss-es/rafters, conventional fall protection may present a greater hazard to workers when working between 6 and 10 feet. On this job, safety nets will not provide adequate fall protection because the nets will cause the walls to collapse.

On this job, requiring workers to use a ladder for the entire installation process will cause a greater hazard because the worker must stand on the ladder with their back or side to the front of the ladder. While erecting the truss or rafter the worker will need both hands to maneuver the truss and therefore cannot hold onto the ladder. In addition, ladders cannot be adequately protected from movement while trusses are being maneuvered into place. Many workers may experience additional fatigue because of the increase in overhead work with heavy materials, which can also lead to a greater hazard.

Exterior scaffolds cannot be utilized on this job because the ground, after recent backfilling, cannot support the scaffolding. In most cases, the erection and dismantling of the scaffold would expose workers to a greater fall hazard than erection of the trusses/rafters.

On all walls eight feet or less, workers will install interior scaffolds along the interior wall below the location where the trusses/rafters will be erected. "Sawhorse" scaffolds constructed of 46 inch sawhorses and 2 x 10 planks will often allow workers to be elevated high enough to allow for the erection of trusses and rafters without working on the top plate of the wall.

In structures that have walls higher than eight feet and where the use of scaffolds and ladders would create a greater hazard, safe working procedures will be utilized when working on the top plate and will be monitored by the crew supervisor. During all stages of truss/rafter erection the stability of the trusses/rafters will be ensured at all times.

(Your company name here) shall take the following steps to protect workers who are exposed to fall hazards while working from the top plate installing trusses/rafters:

Only the following trained workers will be allowed to work on the top plate during roof truss or rafter installation:

- Workers shall have no other duties to perform during truss/rafter erection procedures;
- All trusses/rafters will be adequately braced before any worker can use the truss/rafter as a support;

- Workers will remain on the top plate using the previously stabilized truss/rafter as a support while other trusses/rafters are being erected;
- Workers will leave the area of the secured trusses only when it is necessary to secure another truss/rafter;
- The first two trusses/rafters will be set from ladders leaning on side walls at points where the walls can support the weight of the ladder; and
- A worker will climb onto the interior top plate via a ladder to secure the peaks of the first two trusses/rafters being set.

The workers responsible for detaching trusses from cranes and/or securing trusses at the peaks traditionally are positioned at the peak of the trusses/rafters. There are also situations where workers securing rafters to ridge beams will be positioned on top of the ridge beam.

(Your company name here) shall take the following steps to protect workers who are exposed to fall hazards while securing trusses/rafters at the peak of the trusses/ridge beam:

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- Once truss or rafter installation begins, workers not involved in that activity shall not stand or walk below or adjacent to the roof opening or exterior walls in any area where they could be struck by falling objects;
- Workers shall have no other duties than securing/bracing the trusses/ridge beam;
- Workers positioned at the peaks or in the webs of trusses or on top of the ridge beam shall work from a stable position, either by sitting on a "ridge seat" or other equivalent surface that provides additional stability or by positioning themselves in previously stabilized trusses/rafters and leaning into and reaching through the trusses/rafters;
- Workers shall not remain on or in the peak/ridge any longer than necessary to safely complete the task.
- (iii) Roof Sheathing Operations: Workers typically install roof sheathing after all trusses/rafters and any permanent truss bracing is in place. Roof structures are unstable until some sheathing is installed, so workers installing roof sheathing cannot be protected from fall hazards by conventional fall protection systems until it is determined that the roofing system can be used as an anchorage point. At that point, employees shall be protected by a personal fall arrest system.

Trusses/rafters are subject to collapse if a worker falls while attached to a single truss with a harness. Nets could also cause collapse, and there is no place to attach guardrails.

All workers will ensure that they have secure footing before they attempt to walk on the sheathing, including cleaning shoes/boots of mud or other slip hazards.

To minimize the time workers must be exposed to a fall hazard, materials will be staged to allow for the quickest installation of sheathing.

(Your company name here) shall take the following steps to protect workers who are exposed to fall hazards while installing roof sheathing:

- Once roof sheathing installation begins, workers not involved in that activity shall not stand or walk below or adjacent to the roof opening or exterior walls in any area where they could be struck by falling objects;
- The competent person shall determine the limits of this area, which shall be clearly communicated to workers prior to placement of the first piece of roof sheathing;
- The competent person may order work on the roof to be suspended for brief periods as necessary to allow other workers to pass through such areas when this would not create a greater hazard;
 - · Only qualified workers shall install roof sheathing;
- The bottom row of roof sheathing may be installed by workers standing in truss webs;
- After the bottom row of roof sheathing is installed, a slide guard extending the width of the roof shall be securely attached to the roof. Slide guards are to be constructed of no less than nominal 4" height capable of limiting the uncontrolled slide of workers. Workers should install the slide guard while standing in truss webs and leaning over the sheathing;
- Additional rows of roof sheathing may be installed by workers positioned on previously installed rows of sheathing.
 A slide guard can be used to assist workers in retaining their footing during successive sheathing operations; and
- Additional slide guards shall be securely attached to the roof at intervals not to exceed 13 feet as successive rows of sheathing are installed. For roofs with pitches in excess of 9-in-12, slide guards will be installed at four-foot intervals.
- When wet weather (rain, snow, or sleet) are present, roof sheathing operations shall be suspended unless safe footing can be assured for those workers installing sheathing.
- When strong winds are present, roof sheathing operations are to be suspended unless wind breakers are erected.
- (iv) Installation of Floor Joists and Sheathing: During the installation of floor sheathing/joists (leading edge construction), the following steps shall be taken to protect workers:

•	Only	the	follo	wing	trained	wo	rkers	will	be	al	lo۱	vec	l to
install	floor	jois	ts or	shea	thing:								

• Materials for the operations shall be conveniently staged to allow for easy access to workers;

- The first floor joists or trusses will be rolled into position and secured either from the ground, ladders or sawhorse scaffolds;
- Each successive floor joist or truss will be rolled into place and secured from a platform created from a sheet of plywood laid over the previously secured floor joists or trusses;
- Except for the first row of sheathing which will be installed from ladders or the ground, workers shall work from the established deck; and
- Any workers not assisting in the leading edge construction while leading edges still exist (e.g. cutting the decking for the installers) shall not be permitted within six feet of the leading edge under construction.

(v) Erection of Exterior Walls: During the construction and erection of exterior walls, employers shall take the following steps to protect workers:

 Only the following trained workers will be allowed to erect exterior walls:

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- A painted line six feet from the perimeter will be clearly marked prior to any wall erection activities to warn of the approaching unprotected edge;
- Materials for operations shall be conveniently staged to minimize fall hazards; and
- Workers constructing exterior walls shall complete as much cutting of materials and other preparation as possible away from the edge of the deck.
- (vi) Enforcement: Constant awareness of and respect for fall hazards, and compliance with all safety rules are considered conditions of employment. The crew supervisor or leader, as well as individuals in the Safety and Personnel Department, reserve the right to issue disciplinary warnings to employees, up to and including termination, for failure to follow the guidelines of this program.
- (vii) Accident Investigations: All accidents that result in injury to workers, regardless of their nature, shall be investigated and reported. It is an integral part of any safety program that documentation take place as soon as possible so that the cause and means of prevention can be identified to prevent a reoccurrence.

In the event that an employee falls or there is some other related, serious incident occurring, this plan shall be reviewed to determine if additional practices, procedures, or training need to be implemented to prevent similar types of falls or incidents from occurring.

(viii) Changes to Plan: Any changes to the plan will be approved by (name of the qualified person). This plan shall be reviewed by a qualified person as the job progresses to determine if additional practices, procedures or training needs to be implemented by the competent person to improve or provide additional fall protection. Workers shall be notified and trained, if necessary, in the new procedures. A copy of this plan and all approved changes shall be maintained at the job site.

NEW SECTION

WAC 296-155-24524 Appendix F to Part C-1, fall restraint and fall arrest (employer information only). Additional standards that require the use of fall restraint and/or fall arrest protection for employees are listed below:

Ladders	WAC 296-155-480 (1)(o)
	WAC 296-155-480 (1)(p)
Suspended Scaffold	WAC 296-155-485 (7)(h)
Two Points Suspension Scaffold	WAC 296-155-485 (7)(h) and (i)
Boatswain's Chair Scaffold	WAC 296-155-485 (10)(d)
Needle Beam Scaffold	WAC 296-155-485 (14)(i)
Ladder Jack Scaffold	WAC 296-155-485 (17)(f)
Window Jack Scaffold	WAC 296-155-485 (18)(c)
Float or Ship Scaffold	WAC 296-155-485 (21)(f)
Pump Jack Scaffold	WAC 296-155-485 (23)(k)
Boom Supported Elevating Work	
Platforms	WAC 296-155-48529 (19)(b)(vi)
Vehicle Mounted Elevated and	

Rotating Work Platforms	WAC 296-155-48531 (14)(h)
Crane and Derrick Supported	WAC 296-155-48533 (6)(c)
Work Platforms	WAC 296-155-48533 (6)(d)
	WAC 296-155-48533 (7)(i)
	WAC 296-155-48533 (7)(j)
	WAC 296-155-48533 (7)(k)
	WAC 296-155-48533 (10)(h)
Pile Driving	WAC 296-155-620 (1)(i)
Vertical Slip Forms	WAC 296-155-688(9)
Placing and Removal of Forms	WAC 296-155-689(4)
Steel Erection Temporary Floors	WAC 296-155-705 (2)(b)
Tunneling (Skips and Platforms)	WAC 296-155-730(8)
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AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-24525 ((Appendix to Part C-1, Fall restraint and fall arrest (employer information only). Additional standards that require the use of fall restraint and/or fall arrest protection for employees are listed below:

Ladders	WAC 296-155-480 (1)(O) WAC 296-155-480 (1)(P)
Suspended Seaffold	WAC 296 155 485 (7)(h)
Two Points Suspension Seaffold	WAC 296 155 485 (7)(h)(ii)
Bosun's Chain Seaffold	WAC 296-155-485 (10)(d)
Needle Beam Scaffold	WAC 296 155 485 (14)(i)
Ladder Jack Scaffold	WAC 296 155 485 (17)(f)
Window Jack Scaffold	WAC 296 155 485 (18)(e)
Float or Ship Scaffold	WAC 296 155 485 (21)(f)
Pump Jack Scaffold	WAC 296-155-485 (23)(k)
Boom Supported Elevating Work Platforms	WAC 296-155-48529 (19)(b)(vi)
Vehicle Mounted Elevated and Rotating Work Platforms	-WAC 296 155-48531 (14)(h)
Crane and Derrick	WAC 296-155-48533 (6)(e)
- Supported	- WAC 296-155-48533 (6)(d)
-Work Platforms	WAC 296-155-48533 (7)(i)
	WAC 296-155-48533-(7)(j)
	WAC 296-155-48533 (7)(k)
	WAC 296-155-48533 (10)(h)
Open Sided Floors	-WAC 296-155-505-(4)(a)
Pile Driving	WAC 296-155-620 (1)(i)
Vertical Slip Forms	WAC-296-155-688(9)
Placing and Removal of Forms	- WAC 296-155-689(4)
Steel Erection Temporary - Floors	WAC 296-155-705 (2)(b)
Tunneling (Skips and—Platforms))) Reserved.	-WAC 296-155-730 (8)(e)

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-325 General requirements for storage. (1) General.

(a) All materials stored in tiers shall be stacked, racked, blocked, interlocked, or otherwise secured to prevent sliding, falling or collapse.

- (b) Maximum safe load limits of floors within buildings and structures, in pounds per square foot, shall be conspicuously posted in all storage areas, except for floor or slab on grade. Maximum safe loads shall not be exceeded.
- (c) Aisles and passageways shall be kept clear to provide for the free and safe movement of material handling equipment or employees. Such areas shall be kept in good repair.
- (d) When a difference in road or working levels exist, means such as ramps, blocking, or grading shall be used to ensure the safe movement of vehicles between the two levels.
 - (2) Material storage.
- (a)(i) Material stored inside buildings under construction shall not be placed within 6 feet of any hoistway or inside floor openings, nor within 10 feet of an exterior wall which does not extend above the top of the material stored.
- (ii) Temporary floors, used in steel erection, concrete forms and shoring (i.e., stripped forms, shoring jacks, clamps, steel rods or pipes, base plates, etc.) placed within close proximity to an open-sided floor for movement to another tier for placement, shall be considered "in-process equipment and subject to the provisions contained in Parts "O" and "P" of this standard. When this type equipment is to be left overnight or for longer periods of time it shall be anchored and braced to prevent displacement in any direction. In addition this equipment shall be subject to the provisions of this subsection while in "interim storage."
- (b) <u>Each employee((s))</u> required to work on stored material in silos, hoppers, tanks, and similar storage areas shall be equipped with ((lifelines and safety belts)) <u>personal fall arrest equipment</u> meeting the requirements of chapter 296-155 WAC, Part C-1.
- (c) Noncompatible materials shall be segregated in storage.
- (d) Bagged materials shall be stacked by stepping back the layers and cross-keying the bags at least every 10 bags high.
- (i) When cement and lime is delivered in paper bags they shall be carefully handled to prevent the bags bursting.
- (ii) Cement and lime bags shall not be piled more than ten bags high except when stored in bins or enclosures built for the purpose of storage.
- (iii) When bags are removed from the pile, the length of the pile shall be kept at an even height, and the necessary step backs every five bags maintained.
- (iv) Persons handling cement and lime bags shall wear eye protection which prevents contact between the substance and the worker's eyes (such as goggles or other sealed eye protection) and shall wear long sleeve shirts with close fitting collar and cuffs.
- (v) Persons shall be warned against wearing clothing that has become hard and stiff with cement.
- (vi) Persons shall be instructed to report any susceptibility of their skin to cement and lime burns.
- (vii) A hand cream or vaseline and eye wash shall be provided and kept ready for use to prevent burns.
- (viii) Lime shall be stored in a dry place to prevent a premature slacking action that may cause fire.
- (e) Materials shall not be stored on scaffolds or runways in excess of supplies needed for immediate operations.

- (f) Brick stacks shall not be more than 7 feet in height. When a loose brick stack reaches a height of 4 feet, it shall be tapered back 2 inches in every foot of height above the 4-foot level.
- (i) Brick shall never be stacked, for storage purposes, on scaffolds or runways.
- (ii) When delivering brick on scaffolds inside the wall lines in wheelbarrows, they shall be dumped toward the inside of the building and not toward the wall.
- (iii) Blocks shall always be stacked and not thrown in a loose pile.
- (g) When masonry blocks are stacked higher than 6 feet, the stack shall be tapered back one-half block per tier above the 6-foot level.
- (i) When blocks are stacked inside a building, the piles shall be so distributed as not to overload the floor on which they stand.
- (ii) Blocks shall not be dropped or thrown from an elevation or delivered through chutes.
 - (h) Lumber:
- (i) Used lumber shall have all nails withdrawn before stacking.
- (ii) Lumber shall be stacked on level and solidly supported sills.
- (iii) Lumber shall be so stacked as to be stable and self-supporting.
- (iv) Lumber stacks shall not exceed 20 feet in height provided that lumber to be handled manually shall not be stacked more than 16 feet high.
- (v) All stored lumber shall be stacked on timber sills to keep it off the ground. Sills shall be placed level on solid supports.
- (vi) Cross strips shall be placed in the stacks when they are stacked more than four feet high.
- (i) Structural steel, poles, pipe, bar stock, and other cylindrical materials, unless racked, shall be stacked and blocked so as to prevent spreading or tilting.
- (i) Persons handling reinforcing steel shall wear heavy gloves.
- (ii) When bending of reinforcing steel is done on the job, a strong bench shall be provided, set up on even dry ground or a floor for the persons to work on.
- (iii) Structural steel shall be carefully piled to prevent danger of members rolling off or the pile toppling over.
- (iv) Structural steel shall be kept in low piles, consideration being given to the sequence of use of the members.
- (v) Corrugated and flat iron shall be stacked in flat piles, with the piles not more than four feet high and spacing strips shall be placed between each bundle.
 - (j) Sand, gravel and crushed stone.
- (i) Stock piles shall be frequently inspected to prevent their becoming unsafe by continued adding to or withdrawing from the stock.
- (ii) If material becomes frozen, it shall not be removed in a manner that would produce an overhang.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-155-477 Stairways. (1) General. The following requirements apply to all stairways as indicated:

- (a) Stairways that will not be a permanent part of the structure on which construction work is being performed shall have landings of not less than 30 inches (76 cm) in the direction of travel and extend at least 22 inches (56 cm) in width at every 12 feet (3.7 m) or less of vertical rise.
- (b) Stairs shall be installed between 30 deg. and 50 deg. from horizontal.
- (c) In all buildings or structures two or more stories or twenty-four feet or more in height or depth, suitable permanent or temporary stairways shall be installed.
- (d) Stairways, ramps or ladders shall be provided at all points where a break in elevation of eighteen inches or more occurs in a frequently traveled passageway, entry or exit.
- (e) A minimum of one stairway shall be provided for access and exit for buildings and structures to three stories or thirty-six feet; if more than three stories or thirty-six feet, two or more stairways shall be provided. Where two stairways are provided and work is being performed in the stairways, one shall be maintained clear for access between levels at all times.
 - (f) Wood frame buildings.
- (i) The stairway to a second or higher floor shall be completed before studs are raised to support the next higher floor.
- (ii) Roof and attic work areas of all buildings shall be provided with a safe means of access and egress, such as stairways, ramps or ladders.
- (iii) Cleats shall not be nailed to studs to provide access to and egress from roof or other work areas.
- (g) Steel frame buildings. Stairways shall extend to the uppermost floor that has been planked or decked. Ladders may be used above that point.
- (h) Reinforced concrete or composite steel—Concrete buildings. Stairways shall extend to the lowermost floor upon which a complete vertical shoring system is in place. A minimum of two ladders at different locations for each floor may be used above this floor but not to exceed three floors.
- (i) Riser height and tread depth shall be uniform within each flight of stairs, including any foundation structure used as one or more treads of the stairs. Variations in riser height or tread depth shall not be over 1/4-inch (0.6 cm) in any stairway system.
- (j) Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width of the platform to less than 20 inches (51 cm).
- (k) Metal pan landings and metal pan treads, when used, shall be secured in place before filling with concrete or other material.
- (1) All parts of stairways shall be free of hazardous projections, such as protruding nails.
- (m) Slippery conditions on stairways shall be eliminated before the stairways are used to reach other levels.
- (n) Employers are permitted to use alternating tread type stairs as long as they install, use, and maintain the stairs in accordance with manufacturer's recommendations and the following:
- (i) The stair must be installed at an angle of seventy degrees or less.
- (ii) The stair must be capable of withstanding a minimum uniform load of one hundred pounds per square foot

- with a design factor of 1.7, and the treads must be capable of carrying a minimum concentrated load of three hundred pounds at the center of any treadspan or exterior arc with a design factor of 1.7. If the stair is intended for greater loading, construction must allow for that loading.
- (iii) The stair must be equipped with a handrail on each side to assist the user in climbing or descending.
- (o) Due to space limitations, when a permanent stairway must be installed at an angle above fifty degrees, such an installation (commonly called an inclined or ship's ladder) shall have treads, open risers and handrails on both sides.
- (p) Where ladders are permitted for access under subsection (1) of this section, means shall be provided for employee hoisting of tools and material, such as a well wheel and hoisting line or the equivalent, so employees will have both hands free for ascending and descending ladders.
- (2) Temporary service. The following requirements apply to all stairways as indicated:
- (a) Except during stairway construction, foot traffic is prohibited on stairways with pan stairs where the treads and/or landings are to be filled in with concrete or other material at a later date, unless the stairs are temporarily fitted with wood or other solid material at least to the top edge of each pan. Such temporary treads and landings shall be replaced when worn below the level of the top edge of the pan.
- (b) Except during stairway construction, foot traffic is prohibited on skeleton metal stairs where permanent treads and/or landings are to be installed at a later date, unless the stairs are fitted with secured temporary treads and landings long enough to cover the entire tread and/or landing area.
- (c) Treads for temporary service shall be made of wood or other solid material, and shall be installed the full width and depth of the stair.
- (3) Stairrails and handrails. The following requirements apply to all stairways as indicated:
- (a) Stairways having four or more risers or rising more than 30 inches (76 cm), whichever is less, shall be equipped with:
 - (i) At least one handrail; and
- (ii) One stairrail system along each unprotected side or edge.

Note: When the top edge of a stairrail system also serves as a handrail, subdivision (g) of this subsection applies.

- (b) Winding and spiral stairways shall be equipped with a handrail offset sufficiently to prevent walking on those portions of the stairways where the tread width is less than 6 inches (15 cm).
 - (c) The height of stairrails shall be as follows:
- (i) Stairrails installed after the effective date of this standard, shall be not less than 36 inches (91.5 cm) from the upper surface of the stairrail system to the surface of the tread, in line with the face of the riser at the forward edge of the tread.
- (ii) Stairrails installed before the effective date of this standard, shall be not less than 30 inches (76 cm) nor more than 34 inches (86 cm) from the upper surface of the stairrail system to the surface of the tread, in line with the face of the riser at the forward edge of the tread.
- (d) Midrails, screens, mesh, intermediate vertical members, or equivalent intermediate structural members,

shall be provided between the top rail of the stairrail system and the stairway steps.

- (i) Midrails, when used, shall be located at a height midway between the top edge of the stairrail system and the stairway steps.
- (ii) Screens or mesh, when used, shall extend from the top rail to the stairway step, and along the entire opening between top rail supports.
- (iii) When intermediate vertical members, such as balusters, are used between posts, they shall be not more than 19 inches (48 cm) apart.
- (iv) Other structural members, when used, shall be installed such that there are no openings in the stairrail system that are more than 19 inches (48 cm) wide.
- (e) Handrails and the top rails of stairrail systems shall be capable of withstanding, without failure, a force of at least 200 pounds (890 n) applied within 2 inches (5 cm) of the top edge, in any downward or outward direction, at any point along the top edge.
- (f) The height of handrails shall be not more than 37 inches (94 cm) nor less than 30 inches (76 cm) from the upper surface of the handrail to the surface of the tread, in line with the face of the riser at the forward edge of the tread.
- (g) When the top edge of a stairrail system also serves as a handrail, the height of the top edge shall be not more than 37 inches (94 cm) nor less than 36 inches (91.5 cm) from the upper surface of the stairrail system to the surface of the tread, in line with the face of the riser at the forward edge of the tread.
- (h) Stairrail systems and handrails shall be so surfaced as to prevent injury to employees from punctures or lacerations, and to prevent snagging of clothing.
- (i) Handrails shall provide an adequate handhold for employees grasping them to avoid falling.
- (j) The ends of stairrail systems and handrails shall be constructed so as not to constitute a projection hazard.
- (k) Handrails that will not be a permanent part of the structure being built shall have a minimum clearance of 3 inches (8 cm) between the handrail and walls, stairrail systems, and other objects.
- (1) Unprotected sides and edges of stairway landings shall be provided with guardrail systems. Guardrail system criteria are contained in chapter 296-155 WAC, Part ((K)) C-1.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

- WAC 296-155-480 Ladders. (1) General. The following requirements apply to all ladders as indicated, including job-made ladders.
- (a) Ladders shall be capable of supporting the following loads without failure:
- (i) Each self-supporting portable ladder: At least four times the maximum intended load, except that each extraheavy-duty type 1A metal or plastic ladder shall sustain at least 3.3 times the maximum intended load. The ability of a ladder to sustain the loads indicated in this section shall be determined by applying or transmitting the requisite load to the ladder in a downward vertical direction. Ladders built and tested in conformance with the applicable provisions of

appendix A of this part will be deemed to meet this requirement.

- (ii) Each portable ladder that is not self-supporting: At least four times the maximum intended load, except that each extra-heavy-duty type 1A metal or plastic ladders shall sustain at least 3.3 times the maximum intended load. The ability of a ladder to sustain the loads indicated in this section shall be determined by applying or transmitting the requisite load to the ladder in a downward vertical direction when the ladder is placed at an angle of 75 1/2 degrees from the horizontal. Ladders built and tested in conformance with the applicable provisions of appendix A will be deemed to meet this requirement.
- (iii) Each fixed ladder: At least two loads of 250 pounds (114 kg) each, concentrated between any two consecutive attachments (the number and position of additional concentrated loads of 250 pounds (114 kg) each, determined from anticipated usage of the ladder, shall also be included), plus anticipated loads caused by ice buildup, winds, rigging, and impact loads resulting from the use of ladder safety devices. Each step or rung shall be capable of supporting a single concentrated load of at least 250 pounds (114 kg) applied in the middle of the step or rung. Ladders built in conformance with the applicable provisions of appendix A will be deemed to meet this requirement.
- (b) Ladder rungs, cleats, and steps shall be parallel, level, and uniformly spaced when the ladder is in position for use.
- (c)(i) Rungs, cleats, and steps of portable ladders (except as provided below) and fixed ladders (including individual-rung/step ladders) shall be spaced not less than 10 inches (25 cm) apart, nor more than 14 inches (36 cm) apart, as measured between centerlines of the rungs, cleats, and steps.
- (ii) Rungs, cleats, and steps of step stools shall be not less than 8 inches (20 cm) apart, nor more than 12 inches (31 cm) apart, as measured between centerlines of the rungs, cleats, and steps.
- (iii) Rungs, cleats, and steps of the base section of extension trestle ladders shall be not less than 8 inches (20 cm) nor more than 18 inches (46 cm) apart, as measured between centerlines of the rungs, cleats, and steps. The rung spacing on the extension section of the extension trestle ladder shall be not less than 6 inches (15 cm) nor more than 12 inches (31 cm), as measured between centerlines of the rungs, cleats, and steps.
- (iv) Cleats on job-made ladders shall be inset into the edges of the side-rails one-half inch, or filler blocks shall be used on the side-rails between the cleats.
- (v) Cleats on job-made ladders shall be secured to each rail with three 10d common wire nails or other fasteners of equivalent strength.
- (d)(i) The minimum clear distance between the sides of individual-rung/step ladders and the minimum clear distance between the side rails of other fixed ladders shall be 16 inches (41 cm).
- (ii) The minimum clear distance between side rails for all portable ladders shall be 11 1/2 inches (29 cm).
- (e) The rungs of individual-rung/step ladders shall be shaped such that employees' feet cannot slide off the end of the rungs.

- (f)(i) The rungs and steps of fixed metal ladders manufactured after the effective date of this standard, shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize slipping.
- (ii) The rungs and steps of portable metal ladders shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize slipping.
- (g) Ladders shall not be tied or fastened together to provide longer sections unless they are specifically designed for such use.
- (h) A metal spreader or locking device shall be provided on each stepladder to hold the front and back sections in an open position when the ladder is being used.
- (i) When splicing is required to obtain a given length of side rail, the resulting side rail must be at least equivalent in strength to a one-piece side rail made of the same material.
- (j) Except when portable ladders are used to gain access to fixed ladders (such as those on utility towers, billboards, and other structures where the bottom of the fixed ladder is elevated to limit access), when two or more separate ladders are used to reach an elevated work area, the ladders shall be offset with a platform or landing between the ladders. (The requirements to have guardrail systems with toeboards for falling object and overhead protection on platforms and landings are set forth in chapter 296-155 WAC, Part ((K)) C-1.)
- (k) Ladder components shall be surfaced so as to prevent injury to an employee from punctures or lacerations, and to prevent snagging of clothing.
- (1) Wood ladders shall not be coated with any opaque covering, except for identification or warning labels which may be placed on one face only of a side rail.
- (m) The minimum perpendicular clearance between fixed ladder rungs, cleats, and steps, and any obstruction behind the ladder shall be 7 inches (18 cm), except in the case of an elevator pit ladder, for which a minimum perpendicular clearance of 4 1/2 inches (11 cm) is required.
- (n) The minimum perpendicular clearance between the center line of fixed ladder rungs, cleats, and steps, and any obstruction on the climbing side of the ladder shall be 30 inches (76 cm), except as provided in (o) of this subsection.
- (o) When unavoidable obstructions are encountered, the minimum perpendicular clearance between the centerline of fixed ladder rungs, cleats, and steps, and the obstruction on the climbing side of the ladder may be reduced to 24 inches (61 cm), provided that a deflection device is installed to guide employees around the obstruction.
- (p) Through fixed ladders at their point of access/egress shall have a step-across distance of not less than 7 inches (18 cm) nor more than 12 inches (30 cm) as measured from the centerline of the steps or rungs to the nearest edge of the landing area. If the normal step-across distance exceeds 12 inches (30 cm), a landing platform shall be provided to reduce the distance to the specified limit.
- (q) Fixed ladders without cages or wells shall have a clear width to the nearest permanent object of at least 15 inches (38 cm) on each side of the centerline of the ladder.
- (r) Fixed ladders shall be provided with cages, wells, ladder safety devices, or self-retracting lifelines where the length of climb is less than 24 feet (7.3 m) but the top of the ladder is at a distance greater than 24 feet (7.3 m) above lower levels.

- (s) Where the total length of a climb equals or exceeds 24 feet (7.3 m), fixed ladders shall be equipped with one of the following:
 - (i) Ladder safety devices; or
- (ii) Self-retracting lifelines, and rest platforms at intervals not to exceed 150 feet (45.7 m); or
- (iii) A cage or well, and multiple ladder sections, each ladder section not to exceed 50 feet (15.2 m) in length. Ladder sections shall be offset from adjacent sections, and landing platforms shall be provided at maximum intervals of 50 feet (15.2 m).
- (t) Cages for fixed ladders shall conform to all of the following:
- (i) Horizontal bands shall be fastened to the side rails of rail ladders, or directly to the structure, building, or equipment for individual-rung ladders;
- (ii) Vertical bars shall be on the inside of the horizontal bands and shall be fastened to them;
- (iii) Cages shall extend not less than 27 inches (68 cm), or more than 30 inches (76 cm) from the centerline of the step or rung (excluding the flare at the bottom of the cage), and shall not be less than 27 inches (68 cm) in width;
 - (iv) The inside of the cage shall be clear of projections;
- (v) Horizontal bands shall be spaced not more than 4 feet (1.2 m) on center vertically;
- (vi) Vertical bars shall be spaced at intervals not more than 9 1/2 inches (24 cm) on center horizontally;
- (vii) The bottom of the cage shall be at a level not less than 7 feet (2.1 m) nor more than 8 feet (2.4 m) above the point of access to the bottom of the ladder. The bottom of the cage shall be flared not less than 4 inches (10 cm) all around within the distance between the bottom horizontal band and the next higher band;
- (viii) The top of the cage shall be a minimum of 42 inches (1.1 m) above the top of the platform, or the point of access at the top of the ladder, with provision for access to the platform or other point of access.
- (u) Wells for fixed ladders shall conform to all of the following:
 - (i) They shall completely encircle the ladder;
 - (ii) They shall be free of projections;
- (iii) Their inside face on the climbing side of the ladder shall extend not less than 27 inches (68 cm) nor more than 30 inches (76 cm) from the centerline of the step or rung;
- (iv) The inside clear width shall be at least 30 inches (76 cm);
- (v) The bottom of the wall on the access side shall start at a level not less than 7 feet (2.1 m) nor more than 8 feet (2.4 m) above the point of access to the bottom of the ladder.
- (v) Ladder safety devices, and related support systems, for fixed ladders shall conform to all of the following:
- (i) They shall be capable of withstanding without failure a drop test consisting of an 18-inch (41 cm) drop of a 500-pound (226 kg) weight;
- (ii) They shall permit the employee using the device to ascend or descend without continually having to hold, push or pull any part of the device, leaving both hands free for climbing:
- (iii) They shall be activated within 2 feet (.61 m) after a fall occurs, and limit the descending velocity of an employee to 7 feet/sec. (2.1 m/sec.) or less;

- (iv) The connection between the carrier or lifeline and the point of attachment to the body belt or harness shall not exceed 9 inches (23 cm) in length.
- (w) The mounting of ladder safety devices for fixed ladders shall conform to the following:
- (i) Mountings for rigid carriers shall be attached at each end of the carrier, with intermediate mountings, as necessary, spaced along the entire length of the carrier, to provide the strength necessary to stop employees' falls.
- (ii) Mountings for flexible carriers shall be attached at each end of the carrier. When the system is exposed to wind, cable guides for flexible carriers shall be installed at a minimum spacing of 25 feet (7.6 m) and maximum spacing of 40 feet (12.2 m) along the entire length of the carrier, to prevent wind damage to the system.
- (iii) The design and installation of mountings and cable guides shall not reduce the design strength of the ladder.
- (x) The side rails of through or side-step fixed ladders shall extend 42 inches (1.1 m) above the top of the access level or landing platform served by the ladder. For a parapet ladder, the access level shall be the roof if the parapet is cut to permit passage through the parapet; if the parapet is continuous, the access level shall be the top of the parapet.
- (y) For through-fixed-ladder extensions, the steps or rungs shall be omitted from the extension and the extension of the side rails shall be flared to provide not less than 24 inches (61 cm) nor more than 30 inches (76 cm) clearance between side rails. Where ladder safety devices are provided, the maximum clearance between side rails of the extensions shall not exceed 36 inches (91 cm).
- (z) For side-step fixed ladders, the side rails and the steps or rungs shall be continuous in the extension.
- (aa) Individual-rung/step ladders, except those used where their access openings are covered with manhole covers or hatches, shall extend at least 42 inches (1.1 m) above an access level or landing platform either by the continuation of the rung spacings as horizontal grab bars or by providing vertical grab bars that shall have the same lateral spacing as the vertical legs of the rungs.
- (2) Use. The following requirements apply to the use of all ladders, including job-made ladders, except as otherwise indicated:
- (a) When portable ladders are used for access to an upper landing surface, the ladder side rails shall extend at least 3 feet (.9 m) above the upper landing surface to which the ladder is used to gain access; or, when such an extension is not possible because of the ladder's length, then the ladder shall be secured at its top to a rigid support that will not deflect, and a grasping device, such as a grabrail, shall be provided to assist employees in mounting and dismounting the ladder. In no case shall the extension be such that ladder deflection under a load would, by itself, cause the ladder to slip off its support.
- (b) Ladders shall be maintained free of oil, grease, and other slipping hazards.
- (c) Ladders shall not be loaded beyond the maximum intended load for which they were built, nor beyond their manufacturer's rated capacity.
- (d) Ladders shall be used only for the purpose for which they were designed.
- (e)(i) Nonself-supporting ladders shall be used at an angle such that the horizontal distance from the top support

- to the foot of the ladder is approximately one-quarter of the working length of the ladder (the distance along the ladder between the foot and the top support).
- (ii) Wood job-made ladders with spliced side rails shall be used at an angle such that the horizontal distance is oneeighth the working length of the ladder.
- (iii) Fixed ladders shall be used at a pitch no greater than 90 degrees from the horizontal, as measured to the back side of the ladder.
- (f) Ladders shall be used only on stable and level surfaces unless secured to prevent accidental displacement.
- (g) Ladders shall not be used on slippery surfaces unless secured or provided with slip-resistant feet to prevent accidental displacement. Slip-resistant feet shall not be used as a substitute for care in placing, lashing, or holding a ladder that is used upon slippery surfaces including, but not limited to, flat metal or concrete surfaces that are constructed so they cannot be prevented from becoming slippery.
- (h) Ladders placed in any location where they can be displaced by workplace activities or traffic, such as in passageways, doorways, or driveways, shall be secured to prevent accidental displacement, or a barricade shall be used to keep the activities or traffic away from the ladder.
- (i) The area around the top and bottom of ladders shall be kept clear.
- (j) The top of a nonself-supporting ladder shall be placed with the two rails supported equally unless it is equipped with a single support attachment.
- (k) Ladders shall not be moved, shifted, or extended while occupied.
- (l) Ladders shall have nonconductive side rails if they are used where the employee or the ladder could contact exposed energized electrical equipment, except as provided in the following:
- (i) Portable metal or other portable conductive ladders shall not be used on or near energized line or equipment except where nonconductive ladders present a greater electrical hazard than conductive ladders. A greater electrical hazard would be static electricity such as might be found in extra high voltage substations.
- (ii) All conductive or metal ladders shall be prominently marked and identified as being conductive.
- (iii) All conductive or metal ladders shall be grounded when used near energized lines or equipment.
- (m) The top or top step of a stepladder shall not be used as a step.
- (n) Cross-bracing on the rear section of stepladders shall not be used for climbing unless the ladders are designed and provided with steps for climbing on both front and rear sections.
- (o) Ladders shall be inspected by a competent person for visible defects on a periodic basis and after any occurrence that could affect their safe use.
- (p) Portable ladders with structural defects, such as, but not limited to, broken or missing rungs, cleats, or steps, broken or split rails, corroded components, or other faulty or defective components, shall either be immediately marked in a manner that readily identifies them as defective, or be tagged with "do not use" or similar language, and shall be withdrawn from service until repaired.
- (q) Fixed ladders with structural defects, such as, but not limited to, broken or missing rungs, cleats, or steps,

broken or split rails, or corroded components, shall be withdrawn from service until repaired. The requirement to withdraw a defective ladder from service is satisfied if the ladder is either:

- (i) Immediately tagged with "do not use" or similar language;
- (ii) Marked in a manner that readily identifies it as defective:
- (iii) Or blocked (such as with a plywood attachment that spans several rungs).
- (r) Ladder repairs shall restore the ladder to a condition meeting its original design criteria, before the ladder is returned to use.
 - (s) Single-rail ladders shall not be used.
- (t) When ascending or descending a ladder, the user shall face the ladder.
- (u) Employees shall not ascend or descend ladders while carrying tools or materials that might interfere with the free use of both hands.
- (v) When working from a ladder, the ladder shall be secured at both top and bottom.
- (w) No type of work shall be performed on a ladder over twenty-five feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.
- (x) Any work that requires wearing eye protection, respirators, or handling of pressure equipment shall not be performed from a ladder more than twenty-five feet above the surrounding surface.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

- WAC 296-155-485 Scaffolding. (1) General requirements. Scaffolds shall be furnished and erected in accordance with this standard for persons engaged in work that cannot be done safely from the ground or from solid construction, except that ladders used for such work shall conform to Part J chapter 296-155 WAC.
- (a) All rules for design, construction, maintenance, operation, testing, and use of scaffolds contained in Part J-1 chapter 296-24 WAC apply within the construction industry.
- (b) Scaffolds shall be erected in accordance with requirements of this section.
- (c) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks, shall not be used to support scaffolds or planks.
- (d) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.
- (e) Standard guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beam scaffolds and floats. Scaffolds 4 feet to 10 feet in height, having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails and toeboards installed on all open sides and ends of the scaffold platform.
- (f) Where persons are required to work or pass under the scaffold, scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the

- entire opening, consisting of No. 18 gauge U.S. Standard wire 1/2-inch mesh, or the equivalent.
- (g) Scaffolds and their components shall be capable of supporting without failure at least 4 times the maximum intended load.
- (h) Any scaffold including accessories such as braces, brackets, trusses, screw legs, ladders, etc. damaged or weakened from any cause shall be immediately repaired or replaced.
- (i) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 fiber (stress grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.
- (j) All planking shall be scaffold grades, or equivalent, as recognized by approved grading rules for the species of wood used. The maximum permissible spans for 2- x 10-inch or wider planks shall be as shown in Table J-1.
- (k) The maximum permissible span for 1 1/4- x 9-inch or wider plank of full thickness shall be 4 feet with medium duty loading of 50 p.s.f.
- (1) Platforms shall be level. All planking or platforms shall be overlapped (minimum 12 inches), or secured from movement. The platform shall be a minimum of two 2-inch by 10-inch planks in width or a minimum of 18 inches.
- (m) An access ladder or equivalent safe access shall be provided.
- (n) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches.
- (o) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.
- (p) Overhead protection shall be provided for persons on a scaffold exposed to overhead hazards.
- (q) Slippery conditions on scaffolds shall be eliminated as soon as possible after they occur.
- (r) Welding, burning, riveting, or open flame work shall not be performed on any staging suspended by means of fiber or synthetic rope unless suspended components are well insulated to protect against damaging contacts. Only treated or protected fiber or synthetic ropes shall be used for or near any work involving the use of corrosive substances or chemicals. Specific requirements for boatswain's chairs and float or ship scaffolds are contained in subsections (10) and (21) of this section.
- (s) Wire, synthetic, or fiber rope used for scaffold suspension shall be capable of supporting at least 6 times the rated load.
 - (t) The use of shore or lean-to scaffolds is prohibited.
- (u) The height of freestanding scaffold towers shall not exceed four times the minimum base dimension.
- (v) Factory-built (laminated) scaffold planks meeting the requirements of wood scaffold planks may be substituted for wood scaffold planks.
- (w) Materials being hoisted onto a scaffold shall have a tag line.
- (x) Employees shall not work on scaffolds during storms or high winds.
- (y) Tools, materials, and debris shall not be allowed to accumulate in quantities to cause a hazard.
 - (2) Wood pole scaffolds.

- (a) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the pole over a sufficient area to prevent settlement. All poles shall be set plumb.
- (b) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall be not less than 4 feet in length, overlapping the abutted ends equally, and have the same width and not less than the cross-sectional area of the pole. Splice plates or other materials of equivalent strength may be used.
- (c) Independent pole scaffolds shall be set as near to the wall of the building as practicable.
- (d) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.
- (e) Putlogs or bearers shall be set with their greater dimension vertical, and long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.
- (f) Every wooden putlog on single pole scaffolds shall be reinforced with a 3/16- x 2-inch steel strip, or equivalent, secured to its lower edge throughout its entire length.
- (g) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.
- (h) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling
- (i) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.
- (j) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced only at the poles. The inner row of poles on medium and heavy duty scaffolds shall be braced in a similar manner.
- (k) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.
- (l) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of planks due to deflection, and the ends shall be secured to prevent their dislodgment.
- (m) When a scaffold materially changes its direction, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at an angle shall be laid so as to extend over and rest on the first layer of planking.
- (n) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or

- bearers have been set in place, ready to receive the platform planks.
- (o) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with Tables J-2 to J-8. If they are over 60 feet in height, they shall be designed by a qualified engineer competent in this field, and shall be constructed and erected in accordance with such design. Design drawings shall be available at the jobsite.
 - (3) Tube and coupler scaffolds.
- (a) A light duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load. No dissimilar metals shall be used together.
- (b) A medium duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2 1/2-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.
- (c) A heavy duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing, with the posts spaced not more than 6 feet by 6 feet-6 inches. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.
- (d) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in Tables J-8, J-9 and J-10. Drawings and specifications of all tube and coupler scaffolds above the limitations in Tables J-8, J-9 and J-10 shall be designed by a qualified engineer competent in this field. Design drawings shall be available at the jobsite.
- (e) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads, as set forth in Tables J-8, J-9 and J-10, or as set forth in the specifications by a licensed professional engineer competent in this field.
- (f) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.
- (g) Runners shall be erected along the length of the scaffold, located on both the inside and the outside posts at even height. Runners shall be interlocked to the inside and the outside posts at even heights. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet-6 inches on centers. When tube and coupler guardrails and midrails are used on outside posts, they may be used in lieu of outside runners.
- (h) Bearers shall be installed transversely between posts and shall be securely coupled to the posts with the inboard coupler bearing on the runner coupler. Where guardrails and midrails are required, no outboard runner is required.
- (i) The length of the bearer shall exceed the post spacing of the width of the scaffold by the amount necessary to have full contact with the coupler. Bearers used to provide a cantilever support for use as brackets for light and

medium-duty scaffolds shall not carry more than two teninch planks unless knee braced.

- (j) Bracing across the width of the scaffold shall be installed at the ends of the scaffold at least at every fourth level. Such bracing shall extend diagonally from the outer post or runner at this level upward to the inner post or runner at the next level.
- (k) Longitudinal diagonal bracing shall be installed on the outer rows of poles at approximately forty degrees to fifty degrees angle from near the base of the first and last outer post upward to the top center of the scaffold. If the scaffold is long, the above diagonal bracing shall be repeated. On short but high runs, the diagonal bracing shall be installed at forty degrees to fifty degrees from the base of the first outer post to the last outer post alternating directions to the top of the scaffold. When conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.
- (1) When a scaffold exceeds either 30 feet horizontally or 26 feet vertically, the entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.
 - (4) Fabricated tubular welded frame scaffolds.
- (a) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall safely support four times the maximum rated load. The maximum rated load shall not be exceeded.
- (b) Spacing of panels or frames shall be consistent with the loads imposed.
- (c) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and aline vertical members so that the erected scaffold is always plumb, level, square, and rigid. All brace connections shall be made secure.
- (d) Panel or frame legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum rated load.
- (e) The panels or frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alinement of the legs.
- (f) Where uplift may occur, panels shall be locked together vertically by pins or equivalent method.
- (g) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.
- (h) Maximum permissible spans or planking shall be in conformity with (1)(j) of this section.
- (i) Fabricated tubular frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer. Copies of the drawings and specifications shall be available at the jobsite.
- (j) Guardrails, midrails, and toeboards shall be installed as required by subsection (1)(e) of this section. Wire mesh shall be provided between the toprail and toeboard when persons are working below.
- (k) All fabricated tubular frame scaffolds shall be erected by competent and experienced personnel.
- (1) All brackets shall be seated correctly with side brackets parallel to the frames and end brackets at ninety degrees to the frames. Brackets shall not be bent or twisted

from normal position. Brackets (except mobile brackets designed to carry materials) are to be used as work platforms only and shall not be used for storage of material or equipment.

- (m) Scaffold frames and their components manufactured by different companies shall not be intermixed unless they are compatible and the manufacturer has given written approval. The manufacturers letter of approval shall be available at the jobsite.
- (n) Periodic inspections by the employer shall be made of all fabricated tubular frames and accessories. Any maintenance required shall be made before further use.
 - (5) Outrigger scaffolds, general.
- (a) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to the inboard point of support, shall be not less than 1 1/2 times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.
- (b) The inboard ends of outrigger beams shall be positively secured either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary, or by a securely fastened solid body counterweight. (Water in an open container or loose material in bags shall not be permitted.) The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.
- (c) Unless outrigger scaffolds are designed by a registered professional engineer competent in this field, they shall by [be] constructed and erected in accordance with Table J-11. Outrigger scaffolds, designed by a registered professional engineer, shall be constructed and erected in accordance with such design. A copy of the drawings and specifications shall be available at the jobsite.
- (d) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be secured to the beams.
- (6) Masons' adjustable multiple-point suspension scaffolds.
- (a) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.
- (b) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories, Factory Mutual Engineering Corporation, or other agency or laboratory approved by the department of laborand industries.
- (c) The platform shall be supported by wire ropes, capable of supporting at least 6 times the intended load, suspended from overhead outrigger beams.
- (d) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.
- (e) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, at

least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

- (f) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed under the supervision of a competent person.
- (g) All outrigger beams shall be set and maintained with their webs in a vertical position.
- (h) A stop bolt shall be placed at each end of every outrigger beam.
- (i) The outrigger beam shall rest on suitable wood bearing blocks.
- (j) The free end of the suspension wire ropes shall be equipped with proper size thimbles and secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum. At least four turns of wire rope shall remain on the drum when the platform is at ground level. The use of fiber rope is prohibited.
- (k) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.
- (1) The scaffold platform shall be equivalent in strength to at least 2-inch planking. (For maximum planking spans, see subsection (1)(j) of this section.)
- (m) When employees are at work on the scaffold and an overhead hazard exists, overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking, or material of equivalent strength, laid tight, and extending not less than the width of the scaffold.
- (n) Each scaffold shall be installed or relocated under the supervision of a competent person.
- (o) When channel iron outrigger beams are used instead of I-beams, they shall be securely fastened together with the flanges turned out.
- (p) All parts of the scaffold, such as bolts, nuts, fittings, clamps, wire rope, outrigger beams and their fastenings shall be maintained in sound condition and shall be inspected before each installation and periodically thereafter. All parts shall be of the grade specified by the manufacturer.
 - (7) Two-point suspension scaffolds.
- (a) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.
- (b) The hangers of two-point suspension scaffolds shall be made of wrought iron, mild steel, or other equivalent material, having a cross-sectional area capable of sustaining 4 times the maximum rated load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.
- (c) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories, Factory Mutual Engineering Corporation, or by an agency or laboratory approved by the department of labor and industries.
- (d) The roof irons or hooks shall be of mild steel, or other equivalent material, of proper size and design, securely installed and anchored. The roof irons or hooks and any other devices shall have tiebacks of 3/4-inch manila rope, or the equivalent, to serve as a secondary means of anchorage, installed at right angles to the face of the building, whenever

- possible, and secured to a structurally sound portion of the building.
- (e) Two-point suspension scaffolds shall be suspended by wire, synthetic or fiber ropes capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least four times the rated load.
- (f) The sheaves of all blocks, consisting of at least one double and one single block, shall fit the size and type of rope used and shall be a minimum of six inches in diameter.
- (g) All wire ropes, fiber and synthetic ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.
- (h) On suspension scaffolds designed for a working load of 500 pounds, no more than two persons shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three persons shall be permitted to work at one time. On suspension scaffolds with a working load of 1,000 pounds, no more than four persons shall be permitted to work at one time. Each employee shall be protected by an approved full body harness attached to a dropline. The droplines shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the employee in case of a fall. In order to keep the dropline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the dropline shall be appropriately changed as the work progresses.
- (i) When a multi-tiered two-point suspension scaffold is used, it shall be provided with safety droplines that attach to each end of the scaffold through an approved quick acting safety device, in case either or both of the main suspension lines should break. The lanyard of the full body harness shall be tied off to a substantial member of the scaffold itself or to a horizontal lifeline attached to each end of the scaffold or a sliding device on the horizontal lifeline. The two additional safety droplines shall be individually suspended from roof irons, hooks, or other approved devices and shall be near the suspension droplines to prevent unnecessary side impact. The safety dropline shall have a 6 to 1 safety factor. Such scaffolds shall be designed by a licensed professional engineer and a copy of the drawings and specifications shall be available at the jobsite.
- (j) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent the scaffolds from swaying. Window cleaners' anchors shall not be used for this purpose.
- (k) The platform of every two-point suspension scaffold shall be one of the following types:
- (i) Ladder-type platforms. The side stringer shall be of clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1 1/8 inch in diameter, with 7/8-inch tenons mortised into the side stringers at least 7/8-inch. The stringers shall be tied together with the tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighths inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with Table J-12.

- (ii) Plank-type platforms. Plank-type platforms shall be composed of not less than two nominal 2- x 10-inch unspliced planks, properly cleated together on the underside, starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 12 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 8 feet.
- (iii) Beam-type platforms. Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- x 6-inch cross beams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floor boards shall not be spaced more than one-half inch apart.
- (iv) Light metal-type platforms, when used, shall be tested and listed according to Underwriters' Laboratories, Factory Mutual Engineering Corporation, or the department of labor and industries.
- (l) In addition to the normal operating brake, all powerdriven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.
- (m) When acid solutions are used, natural or synthetic fiber rope shall not be used.
- (n) Every swinging scaffold shall be tested before using by raising the platform one foot from the ground and loading it with at least four times the maximum weight to be imposed when aloft.
- (8) Stone setters' adjustable multiple-point suspension scaffolds.
- (a) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.
- (b) When used, the hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the department of labor and industries.
- (c) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means. (For materials and spans, see item (ii) of subsection (7)(k), Plank-type Platforms and Table J-12 of this section.)
- (d) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks.
- (e) Outriggers, when used, shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.
- (f) The scaffold shall be supported by wire rope capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least 4 times the rated load.
- (g) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall remain on the drum at all times.
- (h) When two or more scaffolds are used on a building or structure, they shall not be bridged one to the other; but

- shall be maintained at even height with platforms abutting closely.
- (i) In addition to the normal operating brake, all powerdriven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.
- (j) Each scaffold shall be installed or relocated in accordance with approved designs and instructions under the supervision of a competent designated person.
- (k) Where additional working levels are required to be supported, the plans and specifications of the support and scaffold components shall be designed by a licensed professional engineer. These plans and specifications shall be available at the site.
 - (9) Single-point adjustable suspension scaffolds.
- (a) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the department of labor and industries.
- (b) The power units may be either electrically or air motor driven.
- (c) All power-operated gears and brakes shall be enclosed.
- (d) In addition to the normal operating brake, all powerdriven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.
- (e) The hoisting machines, cables, and equipment shall be regularly serviced and inspected.
- (f) The units may be combined to form a two-point suspension scaffold. Such scaffold shall comply with subsection (7) of this section.
- (g) When the supporting wire rope is not plumb for its entire length, supports shall be designed to sustain any additional load or stress upon the line.
- (h) Suspension methods and employee safeguards shall conform to the provisions of subsections (6) and (7) of this section.
- (i) For additional details not covered in this subsection applicable technical portions of American National Standards Institute, A120.1-1970, Power-Operated Devices for Exterior Building Maintenance Powered Platforms, shall be used.
 - (10) Boatswain's chairs.
- (a) The chair seat shall not be less than 12 x 24 inches, and 1-inch thick. The seat shall be reinforced on the underside by cleats securely fastened to prevent the board from splitting. Specially designed seats having dimensions other than those specified in this subsection may be used provided they have been designed and tested (with a safety factor of four) to sustain a load of two hundred fifty pounds.
- (b) The two fiber rope seat slings shall be of 5/8-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.
- (c) Seat slings shall be of at least 3/8-inch wire rope when an employee is conducting a heat-producing process, such as gas welding.
- (d) The employee shall be protected by a full body harness and lifeline in accordance with ((WAC 296 155-24510 (3)(a)(i))) chapter 296-155 WAC, Part C-1. The attachment point of the lifeline to the structure shall be appropriately changed as the work progresses.
- (e) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced 5/8-inch diameter first grade manila rope, or equivalent.

- (f) The roof irons, hooks, or the object to which the tackle is anchored, shall be securely installed. Tiebacks, when used, shall be installed at right angles to the face of the building and securely fastened.
- (g) The scaffolding, including power units shall be of tested design.
- (h) All power operated gears and brakes shall be enclosed.
- (i) In addition to the normal operating brake, all powerdriven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.
 - (11) Carpenters' bracket scaffolds.
- (a) The brackets shall consist of a triangular wood frame not less than 2 x 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.
- (b) Each bracket shall be attached to the structure by means of one of the following:
- (i) A bolt, no less than 5/8-inch in diameter, which shall extend through to the inside of the building wall;
 - (ii) A metal stud attachment device;
 - (iii) Welding to steel tanks;
- (iv) Hooking over a well-secured and adequately strong supporting member.
- (c) The brackets shall be spaced no more than 8 feet apart.
- (d) No more than two employees shall occupy any given 8 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.
- (e) The platform shall consist of not less than two 2- x 10-inch planks extending not more than 12 inches or less than 6 inches beyond each end support. Fabricated planking may be used if properly engineered and tested.
 - (12) Bricklayers' square scaffolds.
- (a) The squares shall not exceed 5 feet in width and 5 feet in height.
- (b) Members shall be not less than those specified in Table J-13.
- (c) The squares shall be reinforced on both sides of each corner with 1- x 6-inch gusset pieces. They shall also have diagonal braces 1 x 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.
- (d) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing, 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.
- (e) Platform planks shall be at least 2 x 10-inch. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares. Fabricated planking may be used if properly engineered and tested.
- (f) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

- (g) Scaffolds shall be level and set upon a firm foundation.
 - (13) Horse scaffolds.
- (a) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.
- (b) The members of the horses shall be not less than those specified in Table J-14.
- (c) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.
- (d) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.
- (e) On all scaffolds arranged in tiers, the legs shall be nailed down or otherwise secured to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.
- (f) Horses or parts which have become weak or defective shall not be used.
 - (14) Needle beam scaffold.
- (a) Wood needle beams shall be not less than 4 x 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent, conforming to subsections (1)(h) and (j) of this section, may be used and shall not be altered or moved horizontally while they are in use.
- (b) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- x 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.
- (c) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and a half hitch.
- (d) The scaffold hitch shall be arranged so as to prevent the needle beam from rolling or becoming otherwise displaced.
- (e) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 6 inches and not more than 12 inches.
- (f) When needle beam scaffolds are used, the planks shall be secured against slipping.
- (g) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers, properly secured.
- (h) One end of a needle beam scaffold may be supported by a permanent structural member conforming to subsections (1)(h) and (j) of this section.
- (i) Each employee working on a needle beam scaffold shall be protected by a full body harness and lifeline in accordance with ((WAC 296-155-24510 (3)(a)(i))) chapter 296-155 WAC, Part C-1.
 - (15) Plasterers', decorators', and large area scaffolds.
- (a) Plasters', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds. (See subsection (2) of this section and Tables J-5, J-6 and J-7.)
- (b) All platform planks shall be laid with the edges close together.

- (c) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.
 - (16) Interior hung scaffolds.
- (a) An interior hung scaffold shall be hung or suspended from the roof structure or ceiling beams.
- (b) The suspending wire or fiber rope shall be capable of supporting at least 6 times the rated load. The rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips properly installed.
- (c) For hanging wood scaffolds, the following minimum nominal size material shall be used:
 - (i) Supporting bearers 2 x 10 inches on edge;
- (ii) Planking 2 x 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.
- (d) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.
- (e) All overhead supporting members shall be inspected and have required strength assured before the scaffold is erected.
 - (17) Ladder jack scaffolds.
- (a) All ladder jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.
- (b) All ladders used in connection with ladder jack scaffolds shall be Type I heavy-duty ladders and shall be designed and constructed in accordance with American National Standards Institute A14.1-1982, Safety Code for Portable Wood Ladders, and A14.2-1982, Safety Code for Portable Metal Ladders. Cleated ladders shall not be used for this purpose.
- (c) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.
- (d) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.
- (e) The wood platform planks shall be not less than 2 inches in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches and shall be secured to prevent movement. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.
- (f) No more than two persons shall be within any 8 feet section of any ladder jack scaffold at any one time. When the use of standard guardrails as required by subsection (1)(e) of this section is impractical, full body harnesses and lifelines shall be used in accordance with ((WAC 296-155-24510 (3)(a)(i))) chapter 296-155 WAC, Part C-1.
 - (18) Window jack scaffolds.
- (a) Window jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.
- (b) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

- (c) Window jack scaffolds shall be provided with guardrails unless full body harnesses with lifelines are attached and used by the employee.
- (d) Not more than one employee shall occupy a window jack scaffold at any one time.
- (e) Window jacks shall be designed and constructed so as to provide a secure anchorage on the window opening and be capable of supporting the design load.
 - (19) Roofing brackets.
- ((All roofing brackets must be installed and used in accordance with the requirements of Part K chapter 296-155 WAC:)) (a) Roofing brackets shall be constructed to fit the pitch of the roof.
- (b) Brackets shall be secured in place by nailing in addition to the pointed metal projections. When it is impractical to nail brackets, rope supports shall be used. When rope supports are used, they shall consist of first-grade manilla of at least 3/4-inch diameter, or equivalent.
 - (c) Catch platforms.
- (i) A catch platform shall be installed within 10 vertical feet of the work area.
- (ii) The catch platforms width shall equal the distance of the fall but shall be a minimum of 45 inches wide and shall be equipped with standard guardrails on all open sides.
 - (20) Crawling boards or chicken ladders.
- ((All erawling boards or chicken ladders shall be installed and used in accordance with the requirements of WAC 296 155-50503(3).)) (a) Crawling boards shall be not less than 10 inches wide and 1 inch thick, having cleats 1 x 1 1/2 inches. The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches. Nails shall be driven through and clinched on the underside. The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance.
- (b) A firmly fastened lifeline of at least 3/4-inch diameter rope, or equivalent, shall be strung beside each crawling board for a handhold.
- (c) Crawling boards shall be secured to the roof by means of adequate ridge hooks or other effective means.
 - (21) Float or ship scaffolds.
- (a) Float or ship scaffolds shall not be used to support more than three persons and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed as designed in subdivisions (b) through (f) of this subsection, unless substitute designs and materials provide equivalent strength, stability, and safety.
- (b) The platform shall be not less than 3 feet wide and 6 feet long, made of 3/4-inch plywood, equivalent to American Plywood Association Grade B-B, Group I, Exterior, or other similar material.
- (c) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, "selected lumber," or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.
- (d) An edging of wood not less than 3/4 x 1 1/2 inches or equivalent shall be placed around all sides of the platform to prevent tools from rolling off.

- (e) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections and shall be well insulated to protect against damaging contacts of arcs, flames, or other mechanical objects. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they shall be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.
- (f) Each employee shall be protected by an approved safety lifebelt or harness and lifeline, in accordance with ((WAC 296-155-245)) chapter 296-155 WAC, Part C-1.
 - (22) Form scaffolds.
- (a) Form scaffolds shall be constructed of wood or other suitable materials, such as steel or aluminum members of known strength characteristics. All scaffolds shall be designed and erected with a minimum safety factor of 4, computed on the basis of the maximum rated load.
- (b) All scaffold planking shall be a minimum of 2- x 10-inch nominal scaffold grade, as recognized by approved grading rules for the species of lumber used, or equivalent material. Maximum permissible spans shall not exceed 8 feet on centers for 2- x 10-inch nominal planking. Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at least 6 inches. Unsupported projecting ends of scaffolding planks shall be limited to a maximum overhang of 12 inches.
- (c) Scaffolds shall not be loaded in excess of the working load for which they were designed.
 - (d) Figure-four form scaffolds:
- (i) Figure-four scaffolds are intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot unless specifically designed for heavier loading. For minimum design criteria, see Table J-15.
- (ii) Figure-four form scaffold frames shall be spaced not more than 8 feet on centers and constructed from sound lumber, as follows: The outrigger ledger shall consist of two pieces of 1- x 6-inch or heavier material nailed on opposite sides of the vertical form support. Ledgers shall project not more than 3 feet 6 inches from the outside of the form support and shall be substantially braced and secured to prevent tipping or turning. The knee or angle brace shall intersect the ledger at least 3 feet from the form at an angle of approximately 45°, and the lower end shall be nailed to a vertical support. The platform shall consist of two or more 2- x 10-inch planks, which shall be of such length that they extend at least 6 inches beyond ledgers at each end unless secured to the ledgers. When planks are secured to the ledgers (nailed or bolted), a wood filler strip shall be used between the ledgers. Unsupported projecting ends of planks shall be limited to an overhang of 12 inches.
 - (e) Metal bracket form scaffolds:
- (i) Metal brackets or scaffold jacks which are an integral part of the form shall be securely bolted or welded to the form. Folding type brackets shall be either bolted or secured with a locking-type pin when extended for use.
- (ii) "Clip-on" or "hook-over" brackets may be used, provided the form walers are bolted to the form or secured

- by snap ties or shea-bolt extending through the form and securely anchored.
- (iii) Metal brackets shall be spaced not more than 8 feet on centers.
- (iv) Scaffold planks shall be either bolted to the metal brackets or of such length that they overlap the brackets at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.
- (v) Metal bracket form scaffolds shall be equipped with wood guardrails, intermediate rails, toeboards, and scaffold planks meeting the minimum dimensions shown in Table J-16. (Metal may be substituted for wood, providing it affords equivalent or greater design strength.)
 - (f) Wooden bracket form scaffolds:
- (i) Wooden bracket form scaffolds shall be an integral part of the form panel. The minimum design criteria set forth herein and in Table J-17 cover scaffolding intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot, unless specifically designed for heavier loading.
- (ii) Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.
 - (23) Pump jack scaffolds.
 - (a) Pump jack scaffolds shall:
 - (i) Not carry a working load exceeding 500 pounds;
- (ii) Be capable of supporting without failure at least four times the maximum intended load; and
- (iii) Shall not have components loaded in excess of the manufacturer's recommended limits.
- (b) Pump jack brackets, braces, and accessories shall be fabricated from metal plates and angles. Each pump jack bracket shall have two positive gripping mechanisms to prevent any failure or slippage.
- (c) The platform bracket shall be fully docked and the planking secured. Planking, or equivalent, shall conform with subsection (1) of this section.
- (d)(i) When wood scaffold planks are used as platforms, poles used for pump jacks shall not be spaced more than 10 feet center to center. When fabricated platforms are used that fully comply with all other provisions of this subsection, pole spacing may exceed 10 feet center to center.
 - (ii) Poles shall not exceed 30 feet in height.
- (iii) Poles shall be secured to the work wall by rigid triangular bracing, or equivalent, at the bottom, top, and other points as necessary, to provide a maximum vertical spacing of not more than 10 feet between braces. Each brace shall be capable of supporting a minimum of 225 pounds tension or compression.
- (iv) For the pump jack bracket to pass bracing already installed, an extra brace shall be used approximately 4 feet above the one to be passed until the original brace is reinstalled.
- (e) All poles shall bear on mud sills or other adequate firm foundations.
- (f) Pole lumber shall be two 2 x 4's, of Douglas fir or equivalent, straight-grained, clear, free of cross-grain, shakes, large loose or dead knots, and other defects which might impair strength.

- (g) When poles are constructed of two continuous lengths, they shall be two by fours, spiked together with the seam parallel to the bracket, and with 10d common nails, no more than 12 inches center to center, staggered uniformly from opposite outside edges.
- (h) If two by fours are spliced to make up the pole, the splices shall be so constructed as to develop the full strength of the member. Three-eighths inch or one-half inch exterior grade plywood shall be used for a spacer between the two by fours. The joints for the splices shall be staggered on opposite sides of the pole at least four feet apart. Joints shall be no less than four feet from either end of the pole.
- (i) A ladder, in accordance with WAC 296-155-480, shall be provided for access to the platform during use.
- (j) Not more than two persons shall be permitted at one time upon a pump jack scaffold between any two supports.
- (k) Pump jack scaffolds shall be provided with standard guardrails, unless full body harnesses with lifelines are used by employees.
- (1) When a work bench is used at an approximate height of 42 inches, the top guardrail may be eliminated, if the work bench is fully decked, the planking secured, and is capable of withstanding 200 pounds pressure in any direction.
- (m) Employees shall not be permitted to use a work bench as a scaffold platform.
- (24) Factory-built scaffold units. Factory-built or prefabricated scaffold units intended for assembly on the job, prefabricated plank, staging, etc., mechanical hoisting units, or other devices for use on or in connection with any type scaffolds, shall be approved by an agency or laboratory approved by the department before being used.
 - (25) Waler bracket scaffolds.
- (a) Waler brackets shall be constructed of 1 5/8" x 1 1/2" x 3/16" angle iron minimum size, or material of equivalent strength.
- (b) All steel connections shall be welded and riveted or bolted, except where detrimental to strength of materials.
- (c) The maximum length of horizontal leg shall not be more than 36" between bracket hook and railing standard.
- (d) A 4" x 4" x 3/16" gusset plate shall be securely welded at inside of leg angle.
- (e) Nailing holes shall be provided in lower end of vertical leg for purpose of securing bracket against lifting or shifting.
- (f) Waler hook or hooks shall be a minimum of 4-inch depth and be constructed of material of a strength to support a minimum of 400 pounds at extreme outer end of bracket.
 - (26) Chimney, stack and tank bracket scaffolds.
- (a) General. A chimney, stack or tank bracket scaffold shall be composed of a platform supported by brackets which are hooked over a steel cable which surrounds the circumference of the chimney, stack or tank approximately in a horizontal plane. The platform shall be not less than two 2 x 10 inch planks. For a minimum width of eighteen inches wide and be designed with a safety factor of not less than 4.
- (b) All brackets shall have a mild steel suspension hook 2 inches by 1/4-inch with at least 3 inches projecting beyond the throat of the hook. Hooks shall be integral with or securely attached to the bracket.

- (c) Wood spacer blocks shall be provided to hold the suspending cable away from the structure at the points where brackets are hooked on. These spacer blocks shall be not less than 2 inches by 4 inches by 12 inches.
- (d) All suspending cables shall be improved plow steel 6 x 19 wire rope or equivalent. In no case shall less than 1/2-inch diameter wire rope be used.
- (e) The turnbuckle used to tighten suspending cables shall be not less than 1 inch drop forged steel. The cables shall be provided with thimbles and not less than 3 U-bolt type clips at each end and be attached to the turnbuckles by means of shackles. Open hooks shall not be used.
- (f) All chimney, stack and tank bracket scaffolds shall be provided with standard guard rails, intermediate rails and toeboards.
- (g) For access to a chimney, stack or tank bracket scaffold, ladders or a boatswain's chair shall be used.
- (h) All chimney, stack or tank brackets for scaffolds shall be welded and riveted or bolted.
- (27) Scaffold platforms supported by catenary or stretch cables.
- (a) When a scaffold platform is supported by cables at least 4 cables shall be used, two near each end of the scaffold.
- (b) The cables shall be attached to the scaffold by means of U-bolts or the equivalent through which the cables pass.
- (c) Cables shall not be tightened beyond their safe working load. A hanger or set of falls shall be used approximately every 50 feet to pick up the sag in the cable.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-48531 Vehicle mounted elevating and rotating aerial devices. (1) All applicable rules for design, construction, maintenance, operation, testing, and use of vehicle mounted elevating and rotating aerial devices shall be in conformance with American National Standards for "Vehicle Mounted Elevating and Rotating Work Platforms," ANSI A92.2-1969 and as amended through ANSI A92.2-1979.

- (2) Application:
- (a) Aerial lifts acquired before February 21, 1986, which do not meet the requirements of ANSI A92.2-1979, may not be used unless they have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969.
 - (b) Aerial devices include the following:
 - (i) Extensible boom platforms;
 - (ii) Aerial ladders;
 - (iii) Articulating boom platforms;
 - (iv) Vertical towers; and
 - (v) A combination of any of the above.
- (3) Specification display. The aerial device shall have manufacturer's statement clearly stating the minimum values for the following characteristics of vehicles required to provide a stable and structurally sound carrier for the aerial device:

- (a) The front gross axle weight rating (GAWR front).
- (b) The rear gross axle weight rating (GAWR rear).
- (c) The gross vehicle weight rating (GVWR).
- (d) The frame section modulus.
- (e) The yield strength of the vehicle frame.
- (f) The frame resisting bending moment (RBM).
- (g) The wheelbase dimension (WB).
- (h) The rear of cab to rear axle centerline dimension (CA).
- (4) Data display: The following information shall be clearly stated in the manufacturer's manual and on the aerial device.
 - (a) Make and model.
 - (b) Rated load capacity.
 - (c) Aerial device height and reach.
- (d) Maximum pressure of the hydraulic system and voltage of the electrical system.
 - (e) Cautions and restrictions of operations.
- (5) Types of rated load: Rated load capacity is of two distinct types:
- (a) The platform load consisting of the weight of personnel and all items carried on or in the platform.
- (b) Supplemental loads which may be fixed directly to the boom(s), or to load-carrying attachments on the aerial device.
- (i) The capacity rating in either case shall be designated with boom or booms extended to the position of maximum overturning moment attainable throughout full rotation of the pedestal.
- (ii) Capacities of the aerial device in other positions shall be specified separately.
- (iii) The manual and placards affixed to the aerial device shall state all applicable capacity ratings.
- (6) Multiple configuration rated load. If the aerial device is specified in multiple configurations, these configurations shall be clearly described including the rated load capacity of each, in the manufacturer's manual and on the aerial device. Examples of alternate configurations are:
- (a) With outriggers extended to firm footing versus outriggers not extended.
- (b) With chassis suspension locking device engaged versus disengaged.
 - (c) With one platform versus more than one platform.
- (d) Used as a personnel-carrying device only versus used as a personnel-carrying and material-handling device.
 - (e) With extensible aerial device retracted or extended.
- (f) With digger attached to boom versus with digger removed from boom. If the rated load capacity of the alternate configuration is related to an angle which a boom(s) makes with the horizontal, the manufacturer shall install a means by which the angle of the boom(s) can be determined.
- (7) Maximum elevation determination: Height shall be determined at maximum elevation, from the floor of the platform to the ground, with the aerial device assumed to be mounted on a vehicle having a chassis frame height of thirty-six inches.
- (8) Maximum reach determination: Reach, as a maximum, shall be measured in the horizontal plane, from the centerline of rotation to the outer edge (rail) of the platform.
 - (9) Insulated aerial devices.

- (a) The aerial device manufacturer's manual and instruction plate(s) shall clearly state whether the aerial device is insulated or noninsulated.
 - (b) In the case of insulated aerial devices.
- (i) The manual and instruction plate(s) shall clearly state the qualification voltage for which the aerial device has been satisfactorily tested in accordance with this standard.
- (ii) The manual and instruction plate(s) shall clearly state the design voltage for which the aerial device can be tested.
- (iii) All components bridging the insulated portions of the aerial device shall have electrical insulating values consistent with the design voltage rating of the upper boom, and, when provided, of the lower insulator.
- (iv) Test electrodes on articulating-boom aerial devices rated over 69 kV, and optionally at 69 kV, shall be installed permanently on the inside and outside surfaces of the insulated portion of the upper boom for the purposes of monitoring electrical leakage current.
- (v) The test electrodes shall be two to six inches from the metal portion of the lower end of the insulated upper boom.
- (vi) All hydraulic and pneumatic lines bridging the insulated portion of the upper boom shall have metallic couplings which connect the inside and outside of any hose and shall be adjacent to the insulated boom test electrodes.
- (vii) The test electrode on the outside surface of the insulated boom on extensible-boom aerial devices shall be removable.
- (viii) The location of the removable test electrode shall be permanently marked or recorded to facilitate repeating future tests of the apparatus.
- (10) Quality control. The design and manufacture of the aerial device shall comply with the principles outlined in this subsection. The manufacture of the aerial device shall include a quality control system which will ensure compliance with ANSI A92.2-1979 and this standard. The drawings and manual shall specify those welds that are considered critical and that must conform to the following standards:
 - (a) Structural Welding Code, AWS D1.1-1979.
- (b) Specifications for Welding Industrial and Mill Cranes, AWS D14.1-1970.
- (c) Standards for Qualifications of Welding Procedures and Welders for Piping and Tubing, AWS D10.9-1969.
- (i) The manufacture and installation of aerial devices shall include applicable welding quality control procedures for all weldments.
- (ii) Methods of nondestructive testing shall be described in the quality control procedures.
- (iii) The quality control procedures shall designate the welds to be examined, the extent of examination, and the method of testing.
- (iv) Appropriate inspection methods of welds are recommended by the American Welding Society.
- (v) The structural load-supporting elements of the aerial device which support the platform, and which are made of a ductile material, shall have a design stress of not more than fifty percent of the minimum yield strength of the material, based on the combined rated load and weight of the support structure.

- (vi) The structural load-supporting elements of the aerial device which support the platform, and which are made of a nonductile material, shall have a design stress of not more than twenty percent of the minimum ultimate strength of the material, based on the combined rated load and weight of the support structure.
- (vii) The same structural safety factors stated above shall also apply to the platform.
- (11) Aerial lift specification. Articulating-boom and extensible-boom aerial devices primarily designed as personnel carriers shall have both upper and lower controls.
- (a) Upper controls shall be in or beside the platform, readily visible and available within easy reach of the operator, and protected from damage and inadvertent actuation.
- (b) Lower controls shall be easily accessible and shall provide for overriding the upper controls. Lower level controls shall not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.
- (c) These and all other controls shall be plainly identified as to their function.
- (d) The controls shall return to their neutral position when released by the operator.
- (e) Vehicle-mounted articulating and telescoping cranes or derricks equipped with accessory platforms need not have controls at the platform station.
- (f) Aerial ladders that are designed and manufactured with upper controls shall comply with the requirements of this subsection.
- (g) Mechanical ladders that are counterbalanced for ease in raising to, and lowering from, an operating position shall be equipped with a locking device to secure the ladder in the lower traveling position.
- (h) Each aerial device, when mounted on a vehicle meeting the manufacturer's minimum vehicle specifications, and used in a specific configuration, shall comprise a mobile unit capable of sustaining a static load one and one-half times its rated load capacity, in every position in which the load can be placed within the definition of the specific configuration, when the vehicle is on a firm and level surface. If having the outriggers extended to a firm footing is part of the definition of the configuration, they shall be extended to provide leveling for the purpose of determining whether the mobile unit meets the stability requirements.
- (i) Each aerial device, when mounted on a vehicle meeting the manufacturer's minimum vehicle specifications, and used in a specific configuration, shall comprise a mobile unit capable of sustaining a static load one and one-third times its rated load capacity in every position in which the load can be placed within the definition of the specific configuration when the vehicle is on a slope of five degrees downward in the direction most likely to cause overturning. If having the outriggers extended to a firm footing is part of the definition of the configuration, they shall be extended to provide leveling for the purpose of determining whether the mobile unit meets the stability requirements.
- (j) If other facilities, such as a means of turntable leveling, are provided to minimize the effect of the sloping surface, then those facilities shall be utilized for the purpose of determining whether the mobile unit meets the stability requirements.

- (k) Vertical towers designed specifically for operation only on a level surface shall be excluded from this requirement.
- (1) None of the stability tests described in this subsection shall produce instability of the mobile unit as defined herein or cause permanent deformation of any component.
- (m) The lifting of a tire or outrigger on the opposite side of the load does not necessarily indicate a condition of instability.
 - (12) Hydraulic components.
- (a) All hydraulic components whose failure could result in free and unrestricted motion of the boom(s) shall have a minimum bursting strength of at least four times the operating pressure for which the system is designed.
- (b) All hydraulic components normally rated according to bursting strength, such as hose, tubing, and fittings, shall have a minimum bursting strength of at least three times the operating pressure for which the system is designed.
- (c) All hydraulic components normally rated according to performance criteria, such as rated flow and pressure, life cycles, pressure drop, rpm, torque, and speed, shall have a minimum bursting strength of at least two times the operating pressure for which the system is designed. Such components generally include pumps, motors, directional controls, and similar functional components.
 - (13) Power failure.
- (a) Where the operation of the aerial device is accomplished by hydraulic means, the system shall be equipped with appropriate devices to prevent free and unrestricted motion of the aerial device in the event of hydraulic line failure.
- (b) Where the operation of the aerial device is accomplished electrically, the system shall be designed to prevent free and unrestricted motion in the event of generator or power failure.
- (c) This protection shall also apply to components used to stabilize a mobile unit where a system failure would result in instability.
 - (14) Platforms.
- (a) Platform walls shall be approximately forty-two inches plus or minus three inches high when buckets or baskets are used as platforms, or the platforms shall be provided with a rail or other device around the periphery that also shall be approximately forty-two inches plus or minus three inches above the floor with a midrail and a kick plate that is at least four inches high, or its equivalent.
- (b) A means shall be provided that allows personnel to attach a safety strap or lanyard to the platform or boom.
- (c) Steps of all platforms shall be provided with nonskid surfaces.
- (d) The platform wall height of any unit made in conformance with ANSI A92.2-1979 shall be acceptable.
- (e) After the effective date of this standard, units shall conform to the requirements of this subsection.
- (f) Platforms with folding-type floors and steps or rungs may be used without rails and kick plates if a method is provided to allow personnel equipped with a body belt and safety strap or lanyard to attach themselves to the platform or boom.
- (g) Platforms for aerial ladders shall have a kick plate at least four inches high or its equivalent, around three sides of the platform.

- (h) Provision shall be made to allow personnel equipped in accordance with ((WAC 296-155-24510)) chapter 296-155 WAC, Part C-1 with a full body harness and safety strap or lanyard to attach themselves to the ladder rail.
- (15) Specifications display. The aerial device shall have identification, operation, and instruction placards, decals, plates, or the equivalent, which are legible, permanent, and readily visible. There shall be installed on each aerial device applicable markings or provide these markings with appropriate installation instructions. The markings on the aerial device shall not be removed, defaced, or altered. All missing or defective markings shall be replaced.
 - (a) An aerial device shall have the following markings:
 - (i) Identification markings.
 - (ii) Operation markings.
 - (iii) Instruction markings.
- (b) Aerial devices shall have markings to indicate the following:
 - (i) Make.
 - (ii) Model.
 - (iii) Insulated or noninsulated.
 - (iv) Qualification voltage and date of test.
 - (v) Serial number.
 - (vi) Rated load capacity.
 - (vii) Height.
- (viii) Aerial device system pressure or aerial device system voltage, or both.
- (c) Aerial devices shall have markings describing the function of each control. Markings shall be determined by the manufacturer or the manufacturer and user jointly to indicate hazards inherent in the operation of an aerial device and those hazards for which the aerial device does not provide protection. The following instruction markings shall be provided for:
- (i) Electrical hazards involved in the operation of the machine to warn that an aerial device does not provide protection to the operator from contact with or in proximity to an electrically charged conductor when they are in contact with or in proximity to another conductor.
- (ii) Electrical hazards involved in the operation of the machine to warn that an aerial device, when working on or in proximity to energized conductors, shall be considered energized, and that contact with the aerial device or vehicle under those conditions may cause serious injuries.
- (iii) Hazards that result from failure to operate the equipment in a prescribed manner.
- (iv) Information related to the use and load rating of the equipment for material handling.
- (v) Information related to the use and load rating of the aerial device for alternate configurations.
 - (vi) Information related to operator cautions.
 - (d) The color, format, and substance shall conform to:
- (i) American National Standard for Accident Prevention Signs, ANSI Z35.1-1972.
- (ii) American National Standard for Accident Prevention Tags, ANSI Z35.2-1968.
- (iii) American National Standard for Informational Signs Complementary to ANSI Z35.1-1972 Accident Prevention Signs, ANSI Z35.4-1973.
- (16) Testing of new aerial devices: In addition to the manufacturer's prototype tests and quality control measures, each new aerial device, including mechanisms, shall be

tested to the extent necessary to ensure compliance with the operational requirements of this subsection.

- (a) Operational tests shall include the following:
- (i) Boom(s) elevating and lowering mechanism.
- (ii) Boom extension mechanism.
- (iii) Rotating mechanism.
- (iv) Stability tests.
- (v) Safety devices.
- (b) A visual inspection of the finished unit shall be made to determine whether the operational test has produced an adverse effect on any component. Whoever mounts an aerial device upon a vehicle shall, before the mobile unit is placed in operation, perform stability tests in accordance with the requirements of subsection (11) of this section, and the operational and visual tests in accordance with this subsection.
- (17) Electrical tests: All electrical tests shall be performed in accordance with ANSI A92.2-1979.
- (18) Test reports: A certified report of the tests, specified in this subsection, signed by a registered professional engineer, or an equivalent entity shall be provided with each unit.
- (19) Manual requirement: Aerial devices shall comply with the requirements of this standard and shall be provided with manuals. The manuals shall contain:
- (a) Descriptions, specifications, and ratings of the aerial device.
- (b) The maximum system pressure and the maximum voltage of electrical systems which are part of the aerial device.
- (c) Instructions regarding operation, maintenance, and specified welds.
 - (d) Replacement part information.
- (e) Instructions for installing or mounting the aerial device.
 - (20) Inspections:
- (a) Prior to initial use, all new or modified mobile units shall be inspected and tested by the owners and users to ensure compliance with the provisions of this standard and ANSI A92.2-1979.
- (b) The inspection procedure for mobile units in regular service is divided into two classifications based upon the intervals at which inspections and tests shall be performed. Safe intervals shall be set by the user, within the limits recommended by the manufacturer, and are dependent upon the nature of the critical components of the mobile unit and the degree of their exposure to wear, deterioration, or malfunction. The two classifications are designated as "frequent" and "periodic" with respective intervals between inspections and tests, as defined below:
- (i) Frequent inspection and test: Daily to monthly intervals, or before use, if not used regularly.
- (ii) Periodic inspection and test: One to twelve month intervals.
- (21) Frequent inspections: Items such as, but not limited to the following shall be inspected for defects at the intervals as defined in subsection (20)(b)(i) of this section or as specifically indicated, including observation during operation, for any defects which might appear between regular inspections. These tests and inspections shall be performed by the operator. Any suspected items shall be carefully examined and a determination made by a qualified

person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use.

- (a) Operating controls and associated mechanisms for conditions interfering with proper operation.
- (b) Operating controls and associated mechanisms for excessive component wear and contamination by foreign material.
 - (c) Visual and audible safety devices for malfunction.
- (d) Hydraulic or pneumatic systems for observable deterioration or excessive leakage.
- (e) Fiberglass and other insulating components for visible damage or contamination.
- (f) Electrical apparatus for malfunction, signs of excessive dirt, and moisture accumulation.
- (22) Periodic inspection. An inspection of the mobile unit shall be performed at the intervals defined in subsection (20)(b)(ii) of this section, depending upon its activity, severity of service, and environment, or as specifically indicated below. Any suspect items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use. Nondestructive inspection and testing methods shall be used where there are questionable structural components.
- (a) Deformed, cracked, or corroded members in the aerial device structure.
- (b) Worn, cracked or distorted parts, such as pins, bearings, shafts, gears, rollers, locking devices, chains, chain sprockets, wire ropes, and sheaves.
 - (c) Hydraulic and pneumatic relief valve settings.
 - (d) Hydraulic system for proper oil level.
- (e) Hydraulic and pneumatic fittings, hoses, and tubing for evidence of leakage, abnormal deformation, or excessive abrasion.
- (f) Compressors, pumps, motors, and generators for loose fasteners, leaks, unusual noises or vibrations, loss of operating speed, and excessive heating.
- (g) Hydraulic and pneumatic valves for cracks in the valve housing, leaks, and sticking spools.
- (h) Hydraulic and pneumatic cylinders and holding valves for malfunction and visible damage.
- (i) Hydraulic and pneumatic filters for cleanliness and the presence of foreign material in the system indicating other component deterioration.
 - (j) Performance test of all boom movements.
 - (k) Condition and tightness of bolts and other fasteners.
 - (1) Welds, as specified by the manufacturer.
- (m) Legible and proper markings of controls, ratings, and instructions.
- (23) Electrical insulation rating tests: If the aerial device is considered, rated, and used as an insulated device, the electrical insulating components and system, after a thorough inspection for lack of cleanliness and other hazards, shall be tested for compliance with the rating of the aerial device in accordance with one of the following applicable methods and procedures:
- (a) In accordance with section 5.2 of ANSI A92.2-1979 where adequate test facilities are available.
- (b) In the field if the aerial device is equipped with electrical test electrodes. The insulated boom may be raised into a high voltage line whose voltage is as high as or higher than the voltage to be worked but not exceeding the design

- voltage of the aerial device. The electrical leakage current shall not exceed 1 microampere per line to ground per kilovolt applied.
- (c) For units rated 69 kV and under, by placing a fused and protected ammeter in the circuit between a test powerline and the conductive metal assembly at the bucket end of the insulated boom.
- (i) The lower end of the boom section to be tested shall be grounded.
- (ii) The ammeter shall be shielded from any stray electrical currents, and shall give the measurement of any leakage current across the boom and controls, or any capacitive currents involved from the platform to ground, or both.
- (iii) The minimum voltage of the test line shall be that of any circuit on which the aerial device is to be used but not exceeding the design voltage of the aerial device.
- (iv) During a three minute test period, the total current through the ammeter shall not exceed the following limits at the corresponding rated line voltages:

Line Voltage (kV)	Maximum Current (Microampers)	
69	1000	
34.5	500	
13.2	200	

- (d) For units rated 69 kV and under and not used for bare hand application, a dc test voltage and procedure shall be used. The dc potential and leakage current limit shall be specified by the aerial device manufacturer or an equivalent entity.
- (e) For platform liners, a retest at seventy percent of the original factory test voltage in accordance with the procedures of section 5.2.2.5 of ANSI A92.2-1979, or the equivalent shall be made.
- (f) All electrical tests shall be performed only by qualified persons who are aware of the dangers.
 - (24) Inspection documentation:
- (a) A check sheet or list of items to be inspected shall be provided to the operator or other authorized person for use in making frequent inspections. Records of frequent inspections need not be made. However, where a safety hazard is found, it shall be reported in writing to a person responsible for the corrective action and that report and a record of the correction shall be maintained.
- (b) Written, dated, and signed reports and records shall be made of periodic inspections and tests and retained for a period of time consistent with need. Records shall be readily available. Manufacturer's recommendations as to the necessity and frequency of maintenance shall be followed.
- (25) Modifications: No modifications or additions which affect the mechanical, hydraulic, or electrical integrity or the safe operation of the aerial device shall be made without the written approval of the manufacturer or an equivalent entity.
- (a) If such modification or changes are made, the capacity, operation, and maintenance instruction markings shall be changed accordingly.
- (b) In no case shall the safety factors be reduced below those specified in this standard, ANSI A92.2-1979, or below the manufacturer's design factors, whichever are greater.

- (c) Changes in loading or additions made to the mobile unit after the final acceptance that affect weight distribution shall meet applicable loading regulations of the National Traffic and Motor Vehicle Safety Act of 1966 sections on Certification.
- (26) Qualified operators: The user shall select and authorize only those persons qualified by training or experience, or both, to operate the aerial devices. Each operator shall be instructed in the safe and proper operation of the aerial device in accordance with the manufacturer's operator's manual and the user's work instructions.
- (27) The truck shall not be moved until the boom or ladder is cradled and/or fastened down, the outrigger(s) retracted, and the power take-off disengaged, except for equipment which is specifically designed for this type of operation in accordance with provisions of subsections (1) and (2) of this section.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-48533 Crane or derrick suspended personnel platforms. (1) Scope, application, and definitions.

- (a) Scope and application. This standard applies to the design, construction, testing, use and maintenance of personnel platforms, and the hoisting of personnel platforms on the load lines of cranes or derricks.
- (b) Definitions. For the purposes of this section, the following definitions apply:
- (i) "Failure" means load refusal, breakage, or separation of components.
- (ii) "Hoist" (or hoisting) means all crane or derrick functions such as lowering, lifting, swinging, booming in and out or up and down, or suspending a personnel platform.
- (iii) "Load refusal" means the point where the ultimate strength is exceeded.
- (iv) "Maximum intended load" means the total load of all employees, tools, materials, and other loads reasonably anticipated to be applied to a personnel platform or personnel platform component at any one time.
- (v) "Runway" means a firm, level surface designed, prepared, and designated as a path of travel for the weight and configuration of the crane being used to lift and travel with the crane suspended platform. An existing surface may be used as long as it meets these criteria.
- (2) General requirements. The use of a crane or derrick to hoist employees on a personnel platform is prohibited, except when the erection, use, and dismantling of conventional means of reaching the worksite, such as a personnel hoist, ladder, stairway, aerial lift, elevating work platform or scaffold, would be more hazardous, or is not possible because of structural design or worksite conditions.
 - (3) Cranes and derricks.
 - (a) Operational criteria.
- (b) Hoisting of the personnel platform shall be performed in a slow, controlled, cautious manner with no sudden movements of the crane or derrick, or the platform.
- (c) Load lines shall be capable of supporting, without failure, at least seven times the maximum intended load, except that where rotation resistant rope is used, the lines shall be capable of supporting without failure, at least ten

- times the maximum intended load. The required design factor is achieved by taking the current safety factor of 3.5 (required under WAC 296-155-525 (3)(b)) and applying the fifty percent derating of the crane capacity which is required by (f) of this subsection.
- (d) Load and boom hoist drum brakes, swing brakes, and locking devices such as pawls or dogs shall be engaged when the occupied personnel platform is in a stationary working position.
- (e) The crane shall be uniformly level within one percent of level grade and located on firm footing. Cranes equipped with outriggers shall have them all fully deployed following manufacturer's specifications, insofar as applicable, when hoisting employees.
- (f) The total weight of the loaded personnel platform and related rigging shall not exceed fifty percent of the rated capacity for the radius and configuration of the crane or derrick.
- (g) The use of machines having live booms (booms in which lowering is controlled by a brake without aid from other devices which slow the lowering speeds) is prohibited.
- (h) Multiple-part line block: When a multiple-part line block is in use, a substantial strap shall be used between the crane hook and common ring, shackle, or other equivalent device, to eliminate employee exposure to the lines running through the block, and to the block itself.
 - (4) Instruments and components.
- (a) Cranes and derricks with variable angle booms shall be equipped with a boom angle indicator, readily visible to the operator.
- (b) Cranes with telescoping booms shall be equipped with a device to indicate clearly to the operator, at all times, the boom's extended length, or an accurate determination of the load radius to be used during the lift shall be made prior to hoisting personnel.
- (c) A positive acting device shall be used which prevents contact between the load block or overhaul ball and the boom tip (anti-two-blocking device), or a system shall be used which deactivates the hoisting action before damage occurs in the event of a two-blocking situation (two block damage prevention feature).
- (d) The load line hoist drum shall have a system or device on the power train, other than the load hoist brake, which regulates the lowering rate of speed of the hoist mechanism (controlled load lowering). Free fall is prohibited
 - (5) Rigging.
- (a) Lifting bridles on box-type platforms shall consist of four legs of equal length, with one end securely shackled to each corner of the platform and the other end securely attached to a common ring, shackle, or other equivalent device to accommodate the crane hook, or a strap to the crane hook.
- (b) Shackle bolts used for rigging of personnel platforms shall be secured against displacement.
- (c) A substantial safety line shall pass through the eye of each leg of the bridle adjacent to the common ring, shackle, or equivalent device.
- (d) Securely fastened with a minimum amount of slack to the lift line above the headache ball or to the crane hook itself.

- (e) All eyes in wire rope slings shall be fabricated with thimbles.
- (f) Wire rope, shackles, rings, master links, and other rigging hardware must be capable of supporting, without failure, at least five times the maximum intended load applied or transmitted to that component. Where rotation resistant wire rope is used for slings, they shall be capable of supporting without failure at least ten times the maximum intended load.
- (g) Hooks on headache ball assemblies, lower load blocks, or other attachment assemblies shall be of a type that can be closed and locked, eliminating the hook throat opening. Alternatively, an alloy anchor type shackle with a bolt, nut and retaining pin may be used.
- (h) Bridles and associated rigging for attaching the personnel platform to the hoist line shall be used only for the platform and the necessary employees, their tools and the materials necessary to do their work, and shall not be used for any other purpose when not hoisting personnel.
 - (6) Personnel platforms design criteria.
- (a) The personnel platform and suspension system shall be designed by a qualified engineer or a qualified person competent in structural design.
- (b) The suspension system shall be designed to minimize tipping of the platform due to movement of employees occupying the platform.
- (c) The personnel platform itself, except the guardrail system and body harness anchorages, shall be capable of supporting, without failure, its own weight and at least five times the maximum intended load based on a minimum allowance of five hundred pounds for the first person with light tools, and an additional two hundred fifty pounds for each additional person.
- (d) Criteria for guardrail systems ((eontained in Part K of ehapter 296-155 WAC)) and body harness anchorages are contained in Part C-1 of chapter 296-155 WAC.
- (e) The personnel platform shall be conspicuously posted with a plate or other permanent marking which indicates the weight of the platform and its rated load capacity or maximum intended load.
 - (7) Platform specifications.
- (a) Each personnel platform shall be equipped with a guardrail system which meets the requirements of chapter 296-155 WAC Part ((K)) C-1 and, shall be enclosed at least from the toeboard to mid-rail with either solid construction or expanded metal having openings no greater than one-half inch (1.27 cm).
- (b) A grab rail shall be installed inside the entire perimeter of the personnel platform.
- (c) Access gates, if installed, shall not swing outward during hoisting.
- (d) Access gates, including sliding or folding gates, shall be equipped with a restraining device to prevent accidental opening.
- (e) Headroom shall be provided which allows employees to stand upright in the platform.
- (f) In addition to the use of hard hats, employees shall be protected by overhead protection on the personnel platform when employees are exposed to falling objects.
- (g) All rough edges exposed to contact by employees shall be surfaced or smoothed in order to prevent injury to employees from punctures or lacerations.

- (h) All welding of the personnel platform and its components shall be performed by a qualified welder familiar with the weld grades, types, and material specified in the platform design.
- (i) Occupants of all personnel platforms shall wear a safety belt or harness and lanyard which meets the requirements of chapter 296-155 WAC Part C-1.
- (j) Box-type platform: The workers lanyard shall be secured to an anchorage within the platform meeting the requirements of chapter 296-155 WAC Part C-1.
 - (k) Rescue platform:
- (i) If the platform is used as a rescue vehicle, the injured worker shall be strapped into the stretcher or basket.
- (ii) The basket shall then be secured by lanyard to an anchorage within the platform meeting the requirements of chapter 296-155 WAC Part C-1.
- (1) Boatswains chair: The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.
 - (m) Barrel-type platform:
- (i) The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.
- (ii) A solid bar or rod shall be substantially attached in a rigid position to the bottom or side of the platform.
- (iii) The bottom of the barrel-type platform shall be of a convex shape to cause the platform to lay on its side when lowered to the ground or floor.
- (iv) The bar or rod shall extend a minimum of eight feet above the floor of the platform.
- (v) Workers shall enter and exit from barrel-type platforms only when they are in an upright position, stable, and securely attached to the load line.
- (vi) The employer shall use methods or devices which allow employees to safely enter or exit barrel-type platforms.
 - (8) Personnel platform loading.
- (a) The personnel platform shall not be loaded in excess of its rated load capacity.
- (b) The number of employees occupying the personnel platform shall not exceed the number required for the work being performed.
- (c) Personnel platforms shall be used only for employees, their tools, and the materials necessary to do their work, and shall not be used to hoist only materials or tools when not hoisting personnel.
- (d) Materials and tools for use during a personnel lift shall be secured to prevent displacement.
- (e) Materials and tools for use during a personnel lift shall be evenly distributed within the confines of the platform while the platform is suspended.
 - (9) Trial lift, inspection, and proof testing.
- (a) A trial lift with the unoccupied personnel platform loaded at least to the anticipated liftweight shall be made from ground level, or any other location where employees will enter the platform, to each location at which the personnel platform is to be hoisted and positioned. This trial lift shall be performed immediately prior to placing personnel on the platform. The operator shall determine that all systems, controls, and safety devices are activated and functioning properly; that no interferences exist; and that all configurations necessary to reach those work locations will allow the operator to remain under the fifty percent limit of the hoist's rated capacity. Materials and tools to be used

during the actual lift can be loaded in the platform, as provided in subsection (8)(d) and (e) of this section for the trial lift. A single trial lift may be performed at one time for all locations that are to be reached from a single set-up position.

- (b) The trial lift shall be repeated prior to hoisting employees whenever the crane or derrick is moved and set up in a new location or returned to a previously used location. Additionally, the trial lift shall be repeated when the lift route is changed unless the operator determines that the route change is not significant (i.e., the route change would not affect the safety of hoisted employees).
- (c) After the trial lift, and just prior to hoisting personnel, the platform shall be hoisted a few inches and inspected to ensure that it is secure and properly balanced. Employees shall not be hoisted unless the following conditions are determined to exist:
 - (i) Hoist ropes shall be free of kinks;
- (ii) Multiple part lines shall not be twisted around each other;
- (iii) The primary attachment shall be centered over the platform; and
- (iv) The hoisting system shall be inspected if the load rope is slack to ensure all ropes are properly stated on drums and in sheaves.
- (d) A visual inspection of the crane or derrick, rigging, personnel platform, and the crane or derrick base support or ground shall be conducted by a competent person immediately after the trial lift to determine whether the testing has exposed any defect or produced any adverse effect upon any component or structure.
- (e) Any defects found during inspections which create a safety hazard shall be corrected before hoisting personnel.
- (f) At each job site, prior to hoisting employees on the personnel platform, and after any repair or modification, the platform and rigging shall be proof tested to one hundred twenty-five percent of the platform's rated capacity by holding it in a suspended position for five minutes with the test load evenly distributed on the platform (this may be done concurrently with the trial lift). After prooftesting, a competent person shall inspect the platform and rigging. Any deficiencies found shall be corrected and another proof test shall be conducted. Personnel hoisting shall not be conducted until the proof testing requirements are satisfied.
 - (10) Work practices.
- (a) Employees shall keep all parts of the body inside the platform during raising, lowering, and positioning. This provision does not apply to an occupant of the platform performing the duties of a signal person.
- (b) Before employees exit or enter a hoisted personnel platform that is not landed, the platform shall be secured to the structure where the work is to be performed, unless securing to the structure creates an unsafe situation.
- (c) Tag lines shall be used unless their use creates an unsafe condition.
- (d) The crane or derrick operator shall remain at the controls at all times when the crane engine is running and the platform is occupied.
- (e) Hoisting of employees shall be promptly discontinued upon indication of any dangerous weather conditions or other impending danger.

- (f) Employees being hoisted shall remain in continuous sight of and in direct communication with the operator or signal person. In those situations where direct visual contact with the operator is not possible, and the use of a signal person would create a greater hazard for that person, direct communication alone such as by radio may be used.
- (g) Hand signals to the operator shall be in accordance with WAC 296-155-525 (1)(c).
- (h) Except over water, employees occupying the personnel platform shall use a full body harness system with lanyard appropriately attached to the lower load block or overhaul ball, or to a structural member within the personnel platform capable of supporting a fall impact for employees using the anchorage as specified in ((WAC 296 155 24510 (3)(a)(i))) chapter 296-155 WAC, Part C-1. When working over water, the requirements of WAC 296-155-235 shall apply.
- (i) No lifts shall be made on another of the crane's or derrick's load lines while personnel are suspended on a platform.
 - (11) Traveling.
- (a) Hoisting of employees while the crane is traveling is prohibited, except for portal, tower and locomotive cranes, or where the employer demonstrates that there is no less hazardous way to perform the work.
- (b) Under any circumstances where a crane would travel while hoisting personnel, the employer shall implement the following procedures to safeguard employees:
- (i) Crane travel shall be restricted to a fixed track or runway;
- (ii) Travel shall be limited to the load radius of the boom used during the lift; and
- (iii) The boom must be parallel to the direction of travel.
- (c) A complete trial run shall be performed to test the route of travel before employees are allowed to occupy the platform. This trial run can be performed at the same time as the trial lift required by subsection (9)(a) of this section which tests the route of the lift.
- (d) If travel is done with a rubber tired-carrier, the condition and air pressure of the tires shall be checked. The chart capacity for lifts on rubber shall be used for application of the fifty percent reduction of rated capacity. Notwithstanding subsection (3)(e) of this section, outriggers may be partially retracted as necessary for travel.
 - (12) Prelift meeting.
- (a) A meeting attended by the crane or derrick operator, signal person(s) (if necessary for the lift), employee(s) to be lifted, and the person responsible for the task to be performed shall be held to review the appropriate requirements of this section and the procedures to be followed.
- (b) This meeting shall be held prior to the trial lift at each new work location, and shall be repeated for any employees newly assigned to the operation.

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-155-655 General protection requirements.

(1) Surface encumbrances. All surface encumbrances that are located so as to create a hazard to employees shall be removed or supported, as necessary, to safeguard employees.

- (2) Underground installations.
- (a) The location of utility installations, such as sewer, telephone, fuel, electric, water lines, or any other underground installations that reasonably may be expected to be encountered during excavation work, shall be located prior to opening an excavation.
- (b) Utility companies or owners shall be contacted within established or customary local response times, advised of the proposed work, and asked to locate the underground utility installation prior to the start of actual excavation.
- (c) When excavation operations approach the location of underground installations, the exact location of the installations shall be determined by safe and acceptable means.
- (d) While the excavation is open, underground installations shall be protected, supported, or removed as necessary to safeguard employees.
 - (3) Access and egress.
 - (a) Structural ramps.
- (i) Structural ramps that are used solely by employees as a means of access or egress from excavations shall be designed by a competent person. Structural ramps used for access or egress of equipment shall be designed by a competent person qualified in structural design, and shall be constructed in accordance with the design.
- (ii) Ramps and runways constructed of two or more structural members shall have the structural members connected together to prevent displacement.
- (iii) Structural members used for ramps and runways shall be of uniform thickness.
- (iv) Cleats or other appropriate means used to connect runway structural members shall be attached to the bottom of the runway or shall be attached in a manner to prevent tripping.
- (v) Structural ramps used in lieu of steps shall be provided with cleats or other surface treatments on the top surface to prevent slipping.
- (b) Means of egress from trench excavations. A stairway, ladder, ramp or other safe means of egress shall be located in trench excavations that are 4 feet (1.22 m) or more in depth so as to require no more than 25 feet (7.62 m) of lateral travel for employees.
- (4) Exposure to vehicular traffic. Employees exposed to public vehicular traffic shall be provided with, and shall wear, warning vests or other suitable garments marked with or made of reflectorized or high-visibility material.
- (5) Exposure to falling loads. No employee shall be permitted underneath loads handled by lifting or digging equipment. Employees shall be required to stand away from any vehicle being loaded or unloaded to avoid being struck by any spillage or falling materials. Operators may remain in the cabs of vehicles being loaded or unloaded when the vehicles are equipped, in accordance with WAC 296-155-610 (2)(g), to provide adequate protection for the operator during loading and unloading operations.
- (6) Warning system for mobile equipment. When mobile equipment is operated adjacent to an excavation, or when such equipment is required to approach the edge of an excavation, and the operator does not have a clear and direct view of the edge of the excavation, a warning system shall be utilized such as barricades, hand or mechanical signals, or stop logs. If possible, the grade should be away from the excavation.

- (7) Hazardous atmospheres.
- (a) Testing and controls. In addition to the requirements set forth in parts B-1, C, and C-1 of this chapter (296-155 WAC) to prevent exposure to harmful levels of atmospheric contaminants and to assure acceptable atmospheric conditions, the following requirements shall apply:
- (i) Where oxygen deficiency (atmospheres containing less than 19.5 percent oxygen) or a hazardous atmosphere exists or could reasonably be expected to exist, such as in excavations in landfill areas or excavations in areas where hazardous substances are stored nearby, the atmospheres in the excavation shall be tested before employees enter excavations greater than 4 feet (1.22 m) in depth.
- (ii) Adequate precautions shall be taken to prevent employee exposure to atmospheres containing less than 19.5 percent oxygen and other hazardous atmospheres. These precautions include providing proper respiratory protection or ventilation in accordance with parts B-l and C of this chapter respectively.
- (iii) Adequate precaution shall be taken such as providing ventilation, to prevent employee exposure to an atmosphere containing a concentration of a flammable gas in excess of 20 percent of the lower flammable limit of the gas.
- (iv) When controls are used that are intended to reduce the level of atmospheric contaminants to acceptable levels, testing shall be conducted as often as necessary to ensure that the atmosphere remains safe.
 - (b) Emergency rescue equipment.
- (i) Emergency rescue equipment, such as breathing apparatus, a safety harness and line, or a basket stretcher, shall be readily available where hazardous atmospheric conditions exist or may reasonably be expected to develop during work in an excavation. This equipment shall be attended when in use.
- (ii) Employees entering bell-bottom pier holes, or other similar deep and confined footing excavations, shall wear a harness with a lifeline securely attached to it. The lifeline shall be separate from any line used to handle materials, and shall be individually attended at all times while the employee wearing the lifeline is in the excavation.

Note: See chapter 296-62 WAC, Part M for additional requirements applicable to confined space operations.

- (8) Protection from hazards associated with water accumulation.
- (a) Employees shall not work in excavations in which there is accumulated water, or in excavations in which water is accumulating, unless adequate precautions have been taken to protect employees against the hazards posed by water accumulation. The precautions necessary to protect employees adequately vary with each situation, but could include special support or shield systems to protect from cave-ins, water removal to control the level of accumulating water, or use of a safety harness and lifeline.
- (b) If water is controlled or prevented from accumulating by the use of water removal equipment, the water removal equipment and operations shall be monitored by a competent person to ensure proper operation.
- (c) If excavation work interrupts the natural drainage of surface water (such as streams), diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering the excavation and to provide adequate

drainage of the area adjacent to the excavation. Excavations subject to runoff from heavy rains will require an inspection by a competent person and compliance with subdivisions (a) and (b) of this subsection.

- (9) Stability of adjacent structures.
- (a) Where the stability of adjoining buildings, walls, or other structures is endangered by excavation operations, support systems such as shoring, bracing, or underpinning shall be provided to ensure the stability of such structures for the protection of employees.
- (b) Excavation below the level of the base or footing of any foundation or retaining wall that could be reasonably expected to pose a hazard to employees shall not be permitted except when:
- (i) A support system, such as underpinning, is provided to ensure the safety of employees and the stability of the structure; or
 - (ii) The excavation is in stable rock; or
- (iii) A registered professional engineer has approved the determination that the structure is sufficiently removed from the excavation so as to be unaffected by the excavation activity; or
- (iv) A registered professional engineer has approved the determination that such excavation work will not pose a hazard to employees.
- (c) Sidewalks, pavements, and appurtenant structure shall not be undermined unless a support system or another method of protection is provided to protect employees from the possible collapse of such structures.
 - (10) Protection of employees from loose rock or soil.
- (a) Adequate protection shall be provided to protect employees from loose rock or soil that could pose a hazard by falling or rolling from an excavation face. Such protection shall consist of scaling to remove loose material; installation of protective barricades at intervals as necessary on the face to stop and contain falling material; or other means that provide equivalent protection.
- (b) Employees shall be protected from excavated or other materials or equipment that could pose a hazard by falling or rolling into excavations. Protection shall be provided by placing and keeping such materials or equipment at least 2 feet (.61 m) from the edge of excavations, or by the use of retaining devices that are sufficient to prevent materials or equipment from falling or rolling into excavations, or by a combination of both if necessary.
 - (11) Inspections.
- (a) Daily inspections of excavations, the adjacent areas, and protective systems shall be made by a competent person for evidence of a situation that could result in possible caveins, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions. An inspection shall be conducted by the competent person prior to the start of work and as needed throughout the shift. Inspections shall also be made after every rainstorm or other hazard increasing occurrence. These inspections are only required when employee exposure can be reasonably anticipated.
- (b) Where the competent person finds evidence of a situation that could result in a possible cave-in, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions, exposed employees shall be removed from the hazardous area until the necessary precautions have been taken to ensure their safety.

- (12) Fall protection.
- (a) ((Where employees or equipment are required or permitted to cross over excavations, walkways or bridges with standard guardrails shall be provided.)) Walkways shall be provided where employees or equipment are required or permitted to cross over excavations. Guardrails which comply with chapter 296-155 WAC, Part C-1 shall be provided where walkways are 4 feet or more above lower levels.
- (b) Adequate barrier physical protection shall be provided at all remotely located excavations. All wells, pits, shafts, etc., shall be barricaded or covered. Upon completion of exploration and similar operations, temporary wells, pits, shafts, etc., shall be backfilled.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-682 Requirements for equipment and tools. (1) Bulk cement storage. Bulk storage bins, containers, and silos shall be equipped with the following:

- (a) Conical or tapered bottoms; and
- (b) Mechanical or pneumatic means of starting the flow of material.
- (2) No employee shall be permitted to enter storage facilities unless the ejection system has been shut down and locked out in accordance with WAC 296-155-429.
- (3) Safety belts, harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used as prescribed in ((WAC 296-155-24510 (5)(a))) chapter 296-155 WAC, Part C-1.
- (4) Concrete mixers. Concrete mixers with one cubic yard (.8 m3) or larger loading skips shall be equipped with the following:
- (a) A mechanical device to clear the skip of materials; and
 - (b) Guardrails installed on each side of the skip.
- (5) Power concrete trowels. Powered and rotating type concrete troweling machines that are manually guided shall be equipped with a control switch that will automatically shut off the power whenever the hands of the operator are removed from the equipment handles.
- (6) Concrete buggies. Concrete buggy handles shall not extend beyond the wheels on either side of the buggy.

Note: Installation of knuckle guards on buggy handles is recommended.

- (7) Runways.
- (a) Runways shall be constructed to carry the maximum contemplated load with a safety factor of four, have a smooth running surface, and be of sufficient width for two buggies to pass. Single runs to have a minimum width of forty-two inches with turnouts. Runways to have standard railings. Where motor driven concrete buggies are used, a minimum four-inches by four-inches wheel guard shall be securely fastened to outside edge of runways.
- (b) All concrete buggy runways which are 12 inches or more above a work surface or floor, or ramps with more than 4 percent incline shall be considered "elevated" runways.

Exception:

Small jobs utilizing only one concrete buggy, or larger jobs utilizing a "one-way traffic pattern" may be exempt

from the requirements for "turnouts" or for "sufficient width for two buggies to pass."

Exemption:

Runways less than 12 inches above the floor or ground which are utilized by hard-powered buggies only, may be exempt from the requirements for guardrails and wheelguards.

- (8) Concrete pumping systems.
- (a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of pumpcrete or similar systems. Where manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field, and such determinations will be appropriately documented and recorded.
- (b) Rated load capacities, and recommended operating speeds and pressures, special hazard warnings, or instructions, shall be conspicuously posted on all equipment. Instructions and warnings shall be visible to the operator while at the control station.
- (c) Concrete pumping systems using discharge pipes shall be provided with pipe supports designed for one hundred percent overload.
- (d) Compressed air hoses used on concrete pumping systems shall be provided with positive fail-safe joint connectors to prevent separation of sections when pressurized.
- (e) No part of the concrete pumping system shall operate closer to high voltage electrical conductors than the distances specified in chapter 296-155 WAC, Part I.
- (f) Hoses and/or pipes used to carry concrete under pressure shall be secured one to the other with an adequate length of at least 1/4 inch diameter chain or cable to prevent whipping in the event of an accidental separation of joints. All system safety pins shall be in place during pumping operations.
- (g) The employer shall designate a competent person who shall inspect all machinery, equipment, and accessories prior to each use, and periodically during use, to make sure it is in safe operating conditions. Any deficiencies shall be repaired, or defective parts replaced before continued use.
- (h) A thorough annual inspection of the equipment including nondestructive testing of all sections of the booms, by a method capable of ensuring the structural integrity of the material being tested shall be made. The inspection and testing shall be conducted by a competent person, or a government or private agency recognized by the department. A record of the test results shall be maintained by the employer, and a copy shall be available in each unit for inspection by the department.
- (i) All welding shall conform to AWS B3.0-41 Standard Qualification Procedure: AWS D8.4-61 Recommended Practices of Automotive Welding Design: or AWS D10.9-69 Standard Qualification of Welding Procedures and Welders for Piping and Tubing.
- (j) Booms shall not be used for operations other than that for which they are designed.
 - (9) Concrete buckets.
- (a) Concrete buckets equipped with hydraulic or pneumatic gates shall have positive safety latches or similar safety devices installed to prevent premature or accidental dumping.

- (b) Concrete buckets shall be designed to prevent concrete from hanging up on top and the sides.
- (c) Riding of concrete buckets for any purpose shall be prohibited, and vibrator crews shall be kept out from under concrete buckets suspended from cranes or cableways.
- (d) When discharging on a slope, the wheels of readymix trucks shall be blocked and the brakes set to prevent movement.
- (10) Tremies. Sections of tremies and similar concrete conveyances shall be secured with wire rope (or equivalent materials in addition to the regular couplings or connections).
- (11) Bull floats. Bull float handles, used where they might contact energized electrical conductors, shall be constructed of nonconductive material or insulated with a nonconductive sheath whose electrical and mechanical characteristics provide the equivalent protection of a handle constructed of nonconductive material.
- (12) Masonry saws shall be constructed, guarded, and operated in accordance with WAC 296-155-367 (1) through (4).
- (13) Lockout/tagout procedures. No employee shall be permitted to perform maintenance or repair activity on equipment (such as compressors, mixers, screens, or pumps used for concrete and masonry construction activities) where the inadvertent operation of the equipment could occur and cause injury, unless all potentially hazardous energy sources have been locked out and tagged in accordance with chapter 296-155 WAC, Part I.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-715 Bolting, riveting, fitting-up, and plumbing-up. (1) General requirements.

- (a) Containers shall be provided for storing or carrying rivets, bolts, and drift pins, and secured against accidental displacement when aloft.
- (b) Pneumatic hand tools shall be disconnected from the power source, and pressure in hose lines shall be released, before any adjustments or repairs are made.
- (c) Air line hose sections shall be tied together except when quick disconnect couplers are used to join sections.
- (d) Eye protection shall be provided in accordance with Part C of this chapter.
 - (2) Bolting.
- (a) When bolts or drift pins are being knocked out, means shall be provided to keep them from falling.
- (b) Impact wrenches shall be provided with a locking device for retaining the socket.
 - (3) Riveting.
- (a) Riveting shall not be done in the vicinity of combustible material unless precautions are taken to prevent fire.
- (b) When workers are below and rivet heads are knocked off or backed out, means shall be provided to keep the rivet heads from falling on such workers:
- (c) A safety wire shall be properly installed on the snap and on the handle of the pneumatic riveting hammer and shall be used at all times. The wire size shall be not less than No. 9 (B & S gauge), leaving the handle and annealed No. 14 on the snap or equivalent.

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- (d) The rivet heating equipment shall be kept as near as possible to the riveting gang with whom the rivet heater is working.
- (e) Hot rivets shall never be thrown across shaftways or towards the outside of a building.
- (f) When riveting is done on an outside wall, the rivets shall be passed by hand or thrown parallel to the wall.
- (g) Metal cone shaped buckets shall be used for catching hot rivets.
- (h) Riveters shall avoid allowing the air hose to become wrapped or tangled around their legs.
- (i) Empty bolt and rivet kegs shall be removed from the floor as soon as possible.
- (j) Pails and hand lines shall be used when raising or lowering bolts, rivets or small tools.
- (k) The nozzle of the riveting gun shall be periodically inspected and the wire attachment not allowed to become worn so as to permit the nozzle to fly out with the air pressure.
- (1) Electric welding equipment shall not be used where wire rope is used to suspend scaffolds.
 - (4) Plumbing-up.
- (a) Connections of the equipment used in plumbing-up shall be properly secured.
- (b) The turnbuckles shall be secured to prevent unwinding while under stress.
- (c) Plumbing-up guys related equipment shall be placed so that employees can get at the connection points.
- (d) Plumbing-up guys shall be removed only under the supervision of a competent person.
- (5) Wood planking shall be of proper thickness to carry the working load, but shall be not less than 2 inches thick full size undressed, exterior grade plywood, at least 3/4-inch thick, or equivalent material.
- (6) Metal decking of sufficient strength shall be laid tight and secured to prevent movement.
- (7) Planks shall overlap the bearing on each end by a minimum of 12 inches.
- (8) Wire mesh, exterior plywood, or equivalent, shall be used around columns where planks do not fit tightly.
- (9) Provisions shall be made to secure temporary flooring against displacement.
- (10) All unused openings in floors, temporary or permanent, shall be completely planked over or guarded in accordance with Part ((K)) C-1 of this chapter.
- (11) Temporary bracing and/or guying shall be utilized to stabilize a structure until construction has been completed.
- (12) Employees shall use safety belts in accordance with Part C-1 of this chapter when they are working on float scaffolds.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

- WAC 296-155-740 Cofferdams. (1) If overtopping of the cofferdam by high waters is possible, means shall be provided for controlled flooding of the work area.
- (2) Warning signals for evacuation of employees in case of emergency shall be developed and posted.
- (3) Cofferdam walkways, bridges, or ramps with at least two means of rapid exit, shall be provided with guardrails as specified in Part ((K)) C-1 of this chapter.

- (4) Manways and ladderways shall be installed separately from the hoistways and partitioned off to prevent hoisted materials from protruding into or falling into manways and/or ladderways.
- (5) Pumping equipment shall be located on substantially constructed platforms and where installed in such a position that persons must work below, toe boards shall be installed on the platform.
- (6) Cofferdams located close to navigable shipping channels shall be protected from vessels in transit, where possible.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-745 Compressed air. (1) General provisions.

- (a) There shall be present, at all times, at least one competent person designated by and representing the employer, who shall be familiar with this part in all respects and responsible for full compliance with these and other applicable parts.
- (b) Every employee shall be instructed in the rules and regulations which concern their safety or the safety of others.
 - (2) Medical attendance, examination, and regulations.
- (a) There shall be retained one or more licensed physicians familiar with and experienced in the physical requirements and the medical aspects of compressed air work and the treatment of decompression illness. They shall be available at all times while work is in progress in order to provide medical supervision of employees employed in compressed air work. They shall be physically qualified and be willing to enter a pressurized environment.
- (b) No employee shall be permitted to enter a compressed air environment until they have been examined by the physician and reported to be physically qualified to engage in such work.
- (c) In the event an employee is absent from work for 10 days, or is absent due to sickness or injury, they shall not resume work until they are reexamined by the physician, and their physical condition reported, as provided in this subsection, to be such as to permit them to work in compressed air.
- (d) After an employee has been employed continuously in compressed air for a period designated by the physician, but not to exceed 1 year, the employee shall be reexamined by the physician to determine if they are still physically qualified to engage in compressed air work.
- (e) Such physician shall at all times keep a complete and full record of examinations made by themselves. The physician shall also keep an accurate record of any decompression illness or other illness or injury incapacitating any employee for work, and of all loss of life that occurs in the operation of a tunnel, caisson, or other compartment in which compressed air is used.
- (f) Records shall be available for the inspection by the director or his/her representatives, and a copy thereof shall be forwarded to the department within 48 hours following the occurrence of the accident, death, injury, or decompression illness. It shall state as fully as possible the cause of said death or decompression illness, and the place where the injured or sick employee was taken, and such other relative information as may be required by the director.

- (g) A fully equipped first-aid station shall be provided at each tunnel project regardless of the number of persons employed. An ambulance or transportation suitable for a litter case shall be at each project.
- (h) Where tunnels are being excavated from portals more than 5 road miles apart, a first-aid station and transportation facilities shall be provided at each portal.
- (i) A medical lock shall be established and maintained in immediate working order whenever air pressure in the working chamber is increased above the normal atmosphere.
 - (j) The medical lock shall:
- (i) Have at least 6 feet of clear headroom at the center, and be subdivided into not less than two compartments;
- (ii) Be readily accessible to employees working under compressed air;
- (iii) Be kept ready for immediate use for at least 5 hours subsequent to the emergence of any employee from the working chamber;
 - (iv) Be properly heated, lighted and ventilated;
 - (v) Be maintained in a sanitary condition;
- (vi) Have a nonshatterable port through which the occupant(s) may be kept under constant observation;
 - (vii) Be designed for a working pressure of 75 p.s.i.g.;
- (viii) Be equipped with internal controls which may be overridden by external controls;
- (ix) Be provided with air pressure gauges to show the air pressure within each compartment to observers inside and outside the medical lock;
- (x) Be equipped with a manual type sprinkler system that can be activated inside the lock or by the outside lock tender;
- (xi) Be provided with oxygen lines and fittings leading into external tanks. The lines shall be fitted with check valves to prevent reverse flow. The oxygen system inside the chamber shall be of a closed circuit design and be so designed as to automatically shut off the oxygen supply whenever the fire system is activated.
- (xii) Be in constant charge of an attendant under the direct control of the retained physician. The attendant shall be trained in the use of the lock and suitably instructed regarding steps to be taken in the treatment of employee exhibiting symptoms compatible with a diagnosis of decompression illness;
- (xiii) Be adjacent to an adequate emergency medical facility;
- (xiv) The medical facility shall be equipped with demand-type oxygen inhalation equipment approved by the U.S. Bureau of Mines or Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH);
- (xv) Be capable of being maintained at a temperature, in use, not to exceed 90°F. nor be less than 70°F.; and
- (xvi) Be provided with sources of air, free of oil and carbon monoxide, for normal and emergency use, which are capable of raising the air pressure in the lock from 0 to 75 p.s.i.g. in 5 minutes.
- (k) Identification badges shall be furnished to all employees, indicating that the wearer is a compressed air worker. A permanent record shall be kept of all identification badges issued. The badge shall give the employee's name, address of the medical lock, the telephone number of the licensed physician for the compressed air project, and

contain instructions that in case of emergency of unknown or doubtful cause or illness, the wearer shall be rushed to the medical lock. The badge shall be worn at all times—off the job, as well as on the job.

- (3) Telephone and signal communication. Effective and reliable means of communication, such as bells, whistles, or telephones, shall be maintained at all times between all the following locations;
 - (a) The working chamber face;
- (b) The working chamber side of the man lock near the door:
 - (c) The interior of the man lock;
 - (d) Lock attendant's station;
 - (e) The compressor plant;
 - (f) The first-aid station;
 - (g) The emergency lock (if one is required); and
- (h) The special decompression chamber (if one is required).
 - (4) Signs and records.
- (a) The time of decompression shall be posted in each man lock as follows:

This form shall be posted in the man lock at all times.

- (b) Any code of signals used shall be conspicuously posted near workplace entrances and such other locations as may be necessary to bring them to the attention of all employees concerned.
- (c) For each 8-hour shift, a record of employees employed under air pressure shall be kept by an employee who shall remain outside the lock near the entrance. This record shall show the period each employee spends in the air chamber and the time taken from decompression. A copy shall be submitted to the appointed physician after each shift.
 - (5) Compression.
- (a) Every employee going under air pressure for the first time shall be instructed on how to avoid excessive discomfort.
- (b) During the compression of employees, the pressure shall not be increased to more than 3 p.s.i.g. within the first minute. The pressure shall be held at 3 p.s.i.g. and again at 7 p.s.i.g. sufficiently long to determine if any employees are experiencing discomfort.
- (c) After the first minute the pressure shall be raised uniformly and at a rate not to exceed 10 p.s.i. per minute.
- (d) If any employee complains of discomfort, the pressure shall be held to determine if the symptoms are relieved. If, after 5 minutes the discomfort does not disappear, the lock attendant shall gradually reduce the pressure until the employee signals that the discomfort has ceased. If the employee does not indicate that the discomfort has disappeared, the lock attendant shall reduce the pressure to atmospheric and the employee shall be released from the lock.

- (e) No employee shall be subjected to pressure exceeding 50 pounds per square inch except in an emergency.
 - (6) Decompression.
- (a) Decompression to normal condition shall be in accordance with the decompression tables in Appendix A of this part.
- (b) In the event it is necessary for an employee to be in compressed air more than once in a 24-hour period, the appointed physician shall be responsible for the establishment of methods and procedures of decompression applicable to repetitive exposures.
- (c) If decanting is necessary, the appointed physician shall establish procedures before any employee is permitted to be decompressed by decanting methods. The period of time that the employees spend at atmospheric pressure between the decompression following the shift and recompression shall not exceed 5 minutes.
 - (7) Man locks and special decompression chambers.
 - (a) Man locks.
- (i) Except in emergency, no employees employed in compressed air shall be permitted to pass from the working chamber to atmospheric pressure until after decompression, in accordance with the procedures in this part.
- (ii) The lock attendant in charge of a man lock shall be under the direct supervision of the appointed physician. The lock attendant shall be stationed at the lock controls on the free air side during the period of compression and decompression and shall remain at the lock control station whenever there are persons in the working chamber or in the man lock.
- (iii) Except where air pressure in the working chamber is below 12 p.s.i.g., each man lock shall be equipped with automatic controls which, through taped programs, cams, or similar apparatus, shall automatically regulate decompressions. It shall also be equipped with manual controls to permit the lock attendant to override the automatic mechanism in the event of an emergency, as provided in item (viii) of this subdivision.
- (iv) A manual control, which can be used in the event of an emergency, shall be placed inside the man lock.
- (v) A clock, thermometer, and continuous recording pressure gauge with a 4-hour graph shall be installed outside of each man lock and shall be changed prior to each shift's decompression. The chart shall be of sufficient size to register a legible record of variations in pressure within the man lock and shall be visible to the lock attendant. A copy of each graph shall be submitted to the appointed physician after each shift. In addition, a pressure gauge, clock, and thermometer shall also be installed in each man lock. Additional fittings shall be provided so that the test gauges may be attached whenever necessary
- (vi) Except where air pressure is below 12 p.s.i.g. and there is no danger of rapid flooding, all caissons having a working area greater than 150 square feet, and each bulkhead in tunnels of 14 feet or more in diameter, or equivalent area, shall have at least two locks in perfect working condition, one of which shall be used exclusively as a man lock, the other, as a materials lock.
- (vii) Where only a combination man-and-materials lock is required, this single lock shall be of sufficient capacity to hold the employees constituting two successive shifts.

- (viii) Emergency locks shall be large enough to hold an entire heading shift and a limit maintained of 12 p.s.i.g. There shall be a chamber available for oxygen decompression therapy to 28 p.s.i.g.
- (ix) The man lock shall be large enough so that those using it are not compelled to be in a cramped position and shall not have less than 5 feet clear head room at the center and a minimum of 30 cubic feet of air space per occupant.
- (x) Locks on caissons shall be so located that the bottom door shall be not less than 3 feet above the water level surrounding the caisson on the outside. (The water level, where it is affected by tides, is construed to mean high tide.)
- (xi) In addition to the pressure gauge in the locks, an accurate pressure gauge shall be maintained on the outer and inner side of each bulkhead. These gauges shall be accessible at all times and shall be kept in accurate working order.
- (xii) Man locks shall have an observation port at least 4 inches in diameter located in such a position that all occupants of the man lock may be observed from the working chamber and from the free air side of the lock.
 - (xiii) Adequate ventilation in the lock shall be provided.
- (xiv) Man locks shall be maintained at a minimum temperature of 70°F.
- (xv) When locks are not in use and employees are in the working chamber, lock doors shall be kept open to the working chamber, where practicable.
- (xvi) Provision shall be made to allow for rescue parties to enter the tunnel if the working force is disabled.
- (xvii) A special decompression chamber of sufficient size to accommodate the entire force of employees being decompressed at the end of a shift shall be provided whenever the regularly established working period requires total time of decompression exceeding 75 minutes.
 - (b) Special decompression chamber.
- (i) The headroom in the special decompression chamber shall be not less than a minimum 7 feet and the cubical content shall provide at least 50 cubic feet of airspace for each employee. For each occupant, there shall be provided 4 square feet of free walking area and 3 square feet of seating space, exclusive of area required for lavatory and toilet facilities. The rated capacity shall be based on the stated minimum space per employee and shall be posted at the chamber entrance. The posted capacity shall not be exceeded, except in case of emergency.
- (ii) Each special decompression chamber shall be equipped with the following:
- (A) A clock or clocks suitably placed so that the attendant and the chamber occupants can readily ascertain the time:
- (B) Pressure gauges which will indicate to the attendants and to the chamber occupants the pressure in the chamber;
- (C) Valves to enable the attendant to control the supply and discharge of compressed air into and from the chamber.
- (D) Valves and pipes, in connection with the air supply and exhaust, arranged so that the chamber pressure can be controlled from within and without;
- (E) Effective means of oral intercommunication between the attendant, occupants of the chamber, and the air compressor plant; and
- (F) An observation port at the entrance to permit observation of the chamber occupants.

- (iii) Seating facilities in special decompression chambers shall be so arranged as to permit a normal sitting posture without cramping. Seating space, not less than 18 inches by 24 inches wide, shall be provided per occupant.
- (iv) Adequate toilet and washing facilities, in a screened or enclosed recess, shall be provided. Toilet bowls shall have a built-in protector on the rim so that an air space is created when the seat lid is closed.
- (v) Fresh and pure drinking water shall be available. This may be accomplished by either piping water into the special decompression chamber and providing drinking fountains, or by providing individual canteens, or by some other sanitary means. Community drinking vessels are prohibited.
- (vi) No refuse or discarded material of any kind shall be permitted to accumulate, and the chamber shall be kept clean.
- (vii) Unless the special decompression chamber is serving as the man lock to atmospheric pressure, the special decompression chamber shall be situated, where practicable, adjacent to the man lock on the atmospheric pressure side of the bulkhead. A passageway shall be provided, connecting the special chamber with the man lock, to permit employees in the process of decompression to move from the man lock to the special chamber without a reduction in the ambient pressure from that designated for the next stage of decompression. The passageway shall be so arranged as to not interfere with the normal operation of the man lock, nor with the release of the occupants of the special chamber to atmospheric pressure upon the completion of the decompression procedure.
 - (8) Compressor plant and air supply.
- (a) At all times there shall be a thoroughly experienced, competent, and reliable person on duty at the air control valves as a gauge tender who shall regulate the pressure in the working areas. During tunneling operations, one gauge tender may regulate the pressure in not more than two headings: Provided; That the gauges and controls are all in one location. In caisson work, there shall be a gauge tender for each caisson.
- (b) The low air compressor plant shall be of sufficient capacity to not only permit the work to be done safely, but shall also provide a margin to meet emergencies and repairs.
- (c) Low air compressor units shall have at least two independent and separate sources of power supply and each shall be capable of operating the entire low air plant and its accessory systems.
- (d) The capacity, arrangement, and number of compressors shall be sufficient to maintain the necessary pressure without overloading the equipment and to assure maintenance of such pressure in the working chamber during periods of breakdown, repair, or emergency.
- (e) Switching from one independent source of power supply to the other shall be done periodically to ensure that workability of the apparatus in an emergency.
- (f) Duplicate low-pressure air feedlines and regulating valves shall be provided between the source of air supply and a point beyond the locks with one of the lines extending to within 100 feet of the working face.
- (g) All high-pressure and low-pressure air supply lines shall be equipped with check valves.

- (h) Low-pressure air shall be regulated automatically. In addition, manually operated valves shall be provided for emergency conditions.
- (i) The air intakes for all air compressors shall be located at a place where fumes, exhaust gases, and other air contaminants will be at a minimum.
- (j) Gauges indicating the pressure in the working chamber shall be installed in the compressor building, the lock attendant's station, and at the employer's field office.
 - (9) Ventilation and air quality.
- (a) Exhaust valves and exhaust pipes shall be provided and operated so that the working chamber shall be well ventilated, and there shall be no pockets of dead air. Outlets may be required at intermediate points along the main low-pressure air supply line to the heading to eliminate such pockets of dead air. The quantity of ventilation air shall be not less than 30 cubic feet per minute.
- (b) The air in the workplace shall be analyzed by the employer not less than once each shift, and records of such tests shall be kept on file at the place where the work is in progress. The test results shall be within the threshold limit values specified in part B of this chapter, for hazardous gases, and within 10 percent of the lower explosive limit of flammable gases. If these limits are not met, immediate action to correct the situation shall be taken by the employer.
- (c) The temperature of all working chambers which are subjected to air pressure shall, by means of after-coolers or other suitable devices, be maintained at a temperature not to exceed 85°F.
- (d) Forced ventilation shall be provided during decompression. During the entire decompression period, forced ventilation through chemical or mechanical air purifying devices that will ensure a source of fresh air shall be provided.
- (e) Whenever heat-producing machines (moles, shields) are used in compressed air tunnel operations, a positive means of removing the heat build-up at the heading shall be provided.
 - (10) Electricity.
- (a) All lighting in compressed-air chambers shall be by electricity exclusively, and two independent electric-lighting systems with independent sources of supply shall be used. The emergency source shall be arranged to become automatically operative in the event of failure of the regularly used source.
- (b) The minimum intensity of light on any walkway, ladder, stairway, or working level shall be not less than 10 foot-candles, and in all workplaces the lighting shall at all times be such as to enable employees to see clearly.
- (c) All electrical equipment, and wiring for light and power circuits, shall comply with requirements of Part I, of this standard, for use in damp, hazardous, high temperature, and compressed air environments.
- (d) External parts of lighting fixtures and all other electrical equipment, when within 8 feet of the floor, shall be constructed of noncombustible, nonabsorptive, insulating materials, except that metal may be used if it is effectively grounded.
- (e) Portable lamps shall be equipped with noncombustible, nonabsorptive, insulating sockets, approved handles, basket guards, and approved cords.

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- (f) The use of worn or defective portable and pendant conductors is prohibited.
 - (11) Sanitation.
- (a) Sanitary, heated, lighted, and ventilated dressing rooms and drying rooms shall be provided for all employees engaged in compressed air work. Such rooms shall contain suitable benches and lockers. Bathing accommodations (showers at the ratio of one to 10 employees per shift), equipped with running hot and cold water, and suitable and adequate toilet accommodations, shall be provided. One toilet for each 15 employees, or fractional part thereof, shall be provided.
- (b) When the toilet bowl is shut by a cover, there should be an air space so that the bowl or bucket does not implode when pressure is increased.
- (c) All parts of caissons and other working compartments shall be kept in a sanitary condition.
 - (12) Fire prevention and protection.
- (a) Fire fighting equipment shall be available at all times and shall be maintained in working condition.
- (b) While welding or flame-cutting is being done in compressed air, a firewatch with a fire hose or approved extinguisher shall stand by until such operation is completed.
- (c) Shafts and caissons containing flammable material of any kind, either above or below ground, shall be provided with a waterline and a fire hose connected thereto, so arranged that all points of the shaft or caisson are within reach of the hose stream.
- (d) Fire hose shall be at least 1 1/2 inches in nominal diameter; the water pressure shall at all times be adequate for efficient operation of the type of nozzle used; and the water supply shall be such as to ensure an uninterrupted flow. Fire hose, when not in use, shall be located or guarded to prevent injury thereto.
- (e) The power house, compressor house, and all buildings housing ventilating equipment, shall be provided with at least one hose connection in the waterline, with a fire hose connected thereto. A fire hose shall be maintained within reach of structures of wood over or near shafts.
- (f) Tunnels shall be provided with a 2-inch minimum diameter waterline extending into the working chamber and to within 100 feet of the working face. Such line shall have hose outlets with 100 feet of fire hose attached and maintained as follows: One at the working face; one immediately inside of the bulkhead of the working chamber; and one immediately outside such bulkhead. In addition, hose outlets shall be provided at 200-foot intervals throughout the length of the tunnel, and 100 feet of fire hose shall be attached to the outlet nearest to any location where flammable material is being kept or stored or where any flame is being used.
- (g) In addition to fire hose protection required by this part, on every floor of every building not under compressed air, but used in connection with the compressed air work, there shall be provided at least one approved fire extinguisher of the proper type for the hazards involved. At least two approved fire extinguishers shall be provided in the working chamber as follows: One at the working face and one immediately inside the bulkhead (pressure side). Extinguishers in the working chamber shall use water as the primary extinguishing agent and shall not use any extinguishing agent which could be harmful to the employees in

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the working chamber. The fire extinguisher shall be protected from damage.

- (h) Highly combustible materials shall not be used or stored in the working chamber. Wood, paper, and similar combustible material shall not be used in the working chamber in quantities which could cause a fire hazard. The compressor building shall be constructed of noncombustible material.
- (i) Man locks shall be equipped with a manual type fire extinguisher system that can be activated inside the man lock and also by the outside lock attendant. In addition, a fire hose and portable fire extinguisher shall be provided inside and outside the man lock. The portable fire extinguisher shall be the dry chemical type.
- (j) Equipment, fixtures, and furniture in man locks and special decompression chambers shall be constructed of noncombustible materials. Bedding, etc., shall be chemically treated so as to be fire resistant.
- (k) Head frames shall be constructed of structural steel or open frame-work fireproofed timber. Head houses and other temporary surface buildings or structures within 100 feet of the shaft, caisson, or tunnel opening shall be built of fire-resistant materials.
- (l) No oil, gasoline, or other combustible materials shall be stored within 100 feet of any shaft, caisson, or tunnel opening, except that oils may be stored in suitable tanks in isolated fireproof buildings, provided such buildings are not less than 50 feet from any shaft, caisson, or tunnel opening, or any building directly connected thereto.
- (m) Positive means shall be taken to prevent leaking flammable liquids from flowing into the areas specifically mentioned in the preceding subdivision.
- (n) All explosives used in connection with compressed air work shall be selected, stored, transported, and used as specified in part T of this chapter.
 - (13) Bulkheads and safety screens.
- (a) Intermediate bulkheads with locks, or intermediate safety screens or both, are required where there is danger of rapid flooding.
- (b) In tunnels 16 feet or more in diameter, hanging walkways shall be provided from the face to the man lock as high in the tunnel as practicable, with at least 6 feet of head room. Walkways shall be constructed of noncombustible material. Standard railings shall be securely installed throughout the length of all walkways on open sides in accordance with Part ((K)) C-1 of this chapter. Where walkways are ramped under safety screens, the walkway surface shall be skidproofed by cleats or by equivalent means.
- (c) Bulkheads used to contain compressed air shall be tested, where practicable, to prove their ability to resist the highest air pressure which may be expected to be used.

WSR 95-05-064 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Order 94-48-Filed February 14, 1995, 1:08 p.m.]

Original Notice.

Title of Rule: Kitsap County shoreline master program. Purpose: Amend WAC 173-19-260.

Statutory Authority for Adoption: Chapter 90.58 RCW. Statute Being Implemented: Chapter 90.58 RCW.

Summary: Complete revision of the goals, policies and regulations of the Kitsap County shoreline master program.

Reasons Supporting Proposal: Request for amendment was made by Kitsap County.

Name of Agency Personnel Responsible for Drafting: Alice Schisel, NWRO, 3190 160th Avenue S.E., Bellevue, WA 98008-5452, (206) 649-4309; Implementation and Enforcement: Carol Fleskes, 300 Desmond Drive, Lacey, WA 98504, (360) 407-6602.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment is a complete revision/update of the Kitsap County shoreline master program. It establishes goals, policies, and regulations for managing the shorelines of Kitsap County.

Proposal Changes the Following Existing Rules: Amends WAC 173-19-260.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Chapter 19.85 RCW, the Regulatory Fairness Act, requires mitigating action and filing of a small business economic impact statement when rule adoption will have an economic impact on more than 20% of all industries or more than 10% of any one industry. This amendment proposed by Port Angeles does not meet the criteria requiring the preparation of a small business economic impact statement.

Hearing Location: Givens Community Center, Room 115, 1026 Sidney Avenue, Port Orchard, WA 98366, on March 21, 1995, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Kris Jessett by March 16, 1995, TDD (206) 649-4259, or (206) 649-7011 (voice).

Submit Written Comments to: Alice Schisel, NWRO, Ecology, 3190 160th Avenue S.E., Bellevue, WA 98008-5452, FAX (206) 649-7098, by April 15, 1995.

Date of Intended Adoption: June 30, 1995.

February 14, 1995 Mary Riveland Director

AMENDATORY SECTION (Amending Order 85-03.5, filed 4/19/85)

WAC 173-19-260 Kitsap County. Kitsap County master program approved April 30, 1976. Revision approved October 24, 1977. Revision approved December 22, 1981. Revision approved March 16, 1983. Revision approved March 22, 1984. Revision approved April 18, 1985. Revision approved June 30, 1995.

WSR 95-05-065 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Order 94-47—Filed February 14, 1995, 1:13 p.m.]

Original Notice.

Title of Rule: Chapter 173-12 WAC, General procedure.

Purpose: To repeal chapter 173-12 WAC, General procedure.

Statutory Authority for Adoption: Chapter 43.21 RCW. Summary: This rule describes the general procedures for the Ecological Commission. This commission was eliminated during the 1994 legislative session.

Reasons Supporting Proposal: Rule is no longer needed. Name of Agency Personnel Responsible for Drafting: Paige Boule', P.O. Box 47600, Olympia, WA 98504, 407-6161.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: To repeal chapter 173-12 WAC, General procedure.

Proposal Changes the Following Existing Rules: It will repeal the rule.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This rule is being repealed and will present no cost to small business.

Hearing Location: Department of Ecology, 300 Desmond Drive, Room 3F-10, Olympia, WA, on March 22, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Boule' by March 15, 1995, TDD (360) 407-6006.

Submit Written Comments to: Paige Boule', Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, FAX (360) 407-6989, by March 29, 1995.

Date of Intended Adoption: April 7, 1995.

February 14, 1995 Mary Riveland Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

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WAC 173-12-010	Purpose.
WAC 173-12-020	Scope of directions—Requests
	for advice and guidance.
WAC 173-12-030	Requests of the director for
	advice and guidance.
WAC 173-12-040	Ecological commission submis-
	sion of views.
WAC 173-12-050	Adoption of regulations.
WAC 173-12-060	Meetings.

WSR 95-05-066 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed February 14, 1995, 1:14 p.m.]

Original Notice.

Title of Rule: Driving without valid license, confiscation and marking of vehicle registration and license plates due to DWI.

Purpose: Regulating authority RCW 46.16.710 through [46.16].760 expired July 1, 1993.

Other Identifying Information: Rules adopted pursuant to RCW 46.16.760(2) are repealed.

Statutory Authority for Adoption: RCW 46.01.110 and 46.16.760(2).

Statute Being Implemented: RCW 46.16.710, [46.16].720, [46.16].730, [46.16].740, [46.16].750, and [46.16].760.

Summary: Authority regulating the confiscation of vehicle registrations of vehicles being driven by the arrested person expired.

Reasons Supporting Proposal: Statute authority expired. Name of Agency Personnel Responsible for Drafting and Implementation: Jack L. Lince, 1125 Washington Street S.E., Olympia, (360) 902-3773; and Enforcement: Nancy Kelly, 1125 Washington Street S.E., Olympia, (360) 902-3754.

Rule is not necessitated by federal law, federal or state court decision.

Proposal Changes the Following Existing Rules: The following sections are each repealed: WAC 308-96A-450 Driving without valid license—Temporary vehicle registration, 308-96A-460 Vehicle registration cancellation hearings, 308-96A-470 Driving without valid license—Reregistration after cancellation, 308-96A-480 Driving without valid license—Vehicle operating on a permit, and 308-96A-490 Driving without valid license—No valid registration.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Small business economic impact statement is not required pursuant to RCW 19.85.030(1).

Hearing Location: Highway Licenses Building, Conference Room 303, 1125 Washington Street, Olympia, WA 98507, on March 23, 1995, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Jack Lince by March 20, 1995, TDD (360) 664-8885.

Submit Written Comments to: Jack Lince, Title/Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, FAX (360) 664-0831, by March 21, 1995.

Date of Intended Adoption: March 31, 1995.

February 14, 1995 Nancy S. Kelly Administrator

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-96A-450	Driving without valid license— Temporary vehicle registration.
WAC 308-96A-460	Vehicle registration cancellation hearings.
WAC 308-96A-470	Driving without valid license— Reregistration after cancellation.
WAC 308-96A-480	Driving without valid license— Vehicle operating on a permit.
WAC 308-96A-490	Driving without valid license— No valid registration.

WSR 95-05-071 PROPOSED RULES DEPARTMENT OF AGRICULTURE [Filed February 14, 1995, 4:52 p.m.]

Original Notice.

Title of Rule: New chapter 16-585 WAC, Puget Sound Gillnet Salmon Commission.

Purpose: To establish a commodity commission to represent Puget Sound gillnet salmon license holders with the authority to collect assessments to carry out activities in promotion, research, public information programs, and to take necessary action to prevent unfair trade practices.

Statutory Authority for Adoption: RCW 15.65.050. Statute Being Implemented: Chapter 15.65 RCW.

Summary: The new rule will create the Puget Sound Gillnet Salmon Commission consisting of a seven member board with authority as stated above.

Reasons Supporting Proposal: The cost of all programs, research and marketing, deemed by the board to be in the collective best interest of all affected producers, will be borne by all affected producers.

Name of Agency Personnel Responsible for Drafting: Walter Swenson, 1111 Washington Street, Olympia, WA, (360) 902-1928; Implementation and Enforcement: Puget Sound Gillnet Salmon Commission.

Name of Proponent: Puget Sound Gillnetters Association, petition signed by thirteen gillnet salmon license holders as provided for in RCW 15.65.050, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Affected producers must approve in compliance with RCW 15.65.160 before this rule can become effective.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will establish a Puget Sound Gillnet Salmon Commission under the Washington State Agricultural Enabling Act of 1961, chapter 15.65 RCW. The purpose of the commission is to assess salmon harvested pursuant to Puget Sound commercial salmon marketing, research, information and services to affected producers and to take necessary action to prevent unfair trade practices. The commission will provide a constant source of funds and allow for long range activities that will improve the efficiency of production and marketing and greater profits for the producers.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Walter Swenson, Washington Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, or FAX (360) 902-2089.

Hearing Location: Everett Yacht Club, 14th Street Dock, Everett, WA, on March 28, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by March 25, 1995, TDD (360) 902-1996.

Submit Written Comments to: Walter Swenson, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2089, by March 28, 1995.

Date of Intended Adoption: June 7, 1995.

February 14, 1995 John M. King Deputy Director

Chapter 16-585 WAC PUGET SOUND GILLNET SALMON COMMISSION

NEW SECTION

WAC 16-585-010 Definition of terms. For the purpose of this marketing order:

- (1) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.
 - (2) "Affected area" means Western Washington.
- (3) "Affected commodity" means salmon harvested pursuant to Washington, Puget Sound commercial salmon gillnet license or with gear now or hereafter lawfully permitted for use pursuant to Puget Sound commercial salmon gillnet licenses.
- (4) "Affected producer" means any person who is a commercial harvester of commercial quantities of salmon taken pursuant to Washington state Puget Sound commercial salmon gillnet license or with gear lawfully permitted for use pursuant to Puget Sound commercial salmon gillnet licenses in the waters of the state of Washington in areas lawfully permitted for such licenses, including in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery.
- (5) "Commercial quantity" means any Puget Sound salmon produced by an affected producer which producer produces an annual quantity greater than zero and sufficient for sale and entry into the stream of commerce for salmon.
- (6) "Commission" means the Puget Sound gillnet salmon commission formed pursuant to this order.
- (7) "Department" means the department of agriculture of the state of Washington.
- (8) "Director" means the director of agriculture of the state of Washington or the duly appointed representative.
- (9) "Fiscal year" means the twelve-month period beginning with January 1 of any year and ending with December 31st, both dates being inclusive.
 - (10) "Order" means this marketing order.
- (11) "Person" means any person, firm, association, or corporation.
- (12) "Production area" means the waters of the state of Washington in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery and in which fishing is lawfully permitted pursuant to a Puget Sound commercial salmon gillnet license.
- (13) "Puget Sound gillnet salmon" means salmon taken in the waters of the state of Washington in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery, or other lawful area permitted pursuant to Puget Sound commercial salmon gillnet license and taken pursuant to Washington state Puget Sound commercial gillnet license or with gear lawfully permitted for use pursuant to Puget Sound commercial salmon gillnet license.
- (14) "Puget Sound gillnet salmon commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of this marketing order.

- (15) "Purchase" means obtain through sale, exchange, barter, or trade.
- (16) "Salmon" means Puget Sound salmon and salmon products which have been harvested by affected producers as defined in this marketing order. "Salmon" does not include privately farmed or cultivated salmon or salmon products nor salmon harvested pursuant to license issued by the various Treaty Indian Tribes. Nothing herein shall prevent the board from engaging in cooperative marketing of tribal and nontribal salmon.
- (17) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, whether directly or through agents.
- (18) "Handler" or "processor" shall mean those who purchase, process for market, or otherwise obtain from affected producers the affected commodity for further handling or sale in the course of commerce. "Handler" and "processor" includes those who catch and then obtain from themselves, process, or further handle for subsequent direct sale to the public the affected commodity after having themselves produced that commodity as affected producers.
- (19) "Process" means to prepare the affected commodity or product therefrom by filleting, heading, gutting, canning, cooking, smoking, fermenting, dehydrating, drying or packaging.
- (20) "Affected unit" means one pound landed weight of salmon.

NEW SECTION

- WAC 16-585-020 Puget Sound gillnet salmon commodity board. (1) Administration. The provisions of this marketing order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.
- (2) Board membership. The board shall consist of seven members, six of whom shall be affected producers. The director shall appoint one additional member who is not an affected producer to represent the department and the general public.
- (3) Qualifications for board membership. The producer members of the board shall be practical producers of the affected commodity and shall be citizens and residents of this state, over the age of twenty-five years, each of whom is and has been actually engaged in producing such commodity within the state of Washington for a period of five years and has during that period derived a substantial portion of their income therefrom and who is not engaged in business directly as a handler or other dealer. The qualification of members of the board as herein set forth must continue during their terms of office.
 - (4) Term of office.
- (a) The term of office for members of the board shall be three years unless the marketing order is terminated earlier. One-third of the membership as nearly as possible shall be elected each year.
- (b) Membership positions on the board shall be designated numerically as follows: Affected producers shall have positions one through six and, the member appointed by the director shall have position seven.
- (c) The term of office for the initial board members shall be as follows:

Positions one and four shall be for one year from the date of first election or until the first subsequent annual election is held.

Positions two and five shall be for two years from the date of first election or until the second subsequent annual election is held.

Positions three and six shall be for three years from the date of first election or until the third subsequent annual election is held.

(5) Nominations for election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation in Western Washington not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting.

Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five affected producers entitled to have participated in said meeting.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers. The notice shall call for nominations in accordance with this marketing order and shall give the final date for filing nominations which shall not be less than twenty days after the notice was mailed.

When only one nominee is nominated for any position on the board the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

- (6) Election of board members.
- (a) The members of the board shall be elected by secret mail ballot held during the month of February of each year under the supervision of the director. Producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.
- (b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.
- (c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected area defined in this marketing order not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each producer entitled to vote whose name appears upon the list thereof compiled and maintained by the director in accordance with RCW 15.65.200. Any other producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications. Nonreceipt of a ballot by any person entitled to vote shall not invalidate the election of a board member.
- (7) Removal of board members. A board member may be removed by a vote of the board if that member fails to

- attend any three consecutive meetings of the board, duly noticed.
- (8) Vacancies prior to election. In the event of a vacancy on the board, the board shall appoint a qualified person to fill the unexpired term.
- (9) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.
- (10) Board compensation. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060. A board member may, in the discretion of the board, serve and be compensated as an employee of the commission.
- (11) Powers and duties of the board. The board shall have the following powers and duties:
- (a) To administer, enforce, and control the provisions of this order as the designee of the director;
- (b) To elect a chairperson and such other officers as it deems advisable;
- (c) To employ and discharge at its discretion such assistance and personnel, including attorneys engaged in private practice of law, subject to the approval and supervision of the attorney general, as the board determines necessary and proper to carry out the purpose of the order and to effectuate the policies of the act;
- (d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses may be paid by check, draft, or voucher in such form and in such manner and upon the signature of such person as the board may prescribe;
- (e) To reimburse any applicant who has deposited funds with the director in order to defray the costs of formulating the order;
- (f) To establish a fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day;
- (g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, disbursements, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited as provided in the act subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and each member of the board;
- (h) To require bond of board members and employees of the board in positions of trust in an amount the board deems necessary. Premiums for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington:

- (i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year;
- (j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters;
- (k) To recommend to the director, administrative rules, orders and amendments thereto for the exercise of his or her power in connection with this order;
- (1) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of this order and the act, along with the necessary authority and procedure for obtaining such information;
- (m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or this order;
- (n) To confer with and cooperate with the legally constituted authorities of other states of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders:
- (o) To authorize the members of the commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined in RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose;
- (p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section;
 - (q) To sue or be sued:
 - (r) To borrow money and incur indebtedness.
 - (12) Procedures for board.
- (a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).
- (b) The board shall hold an annual membership meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.
- (c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members.

NEW SECTION

WAC 16-585-030 Marketing order purposes. This marketing order is to promote the general welfare of the state, to enable producers of commercially harvested Puget Sound gillnet salmon to help themselves establish orderly, fair, sound, efficient, unhampered marketing and to fulfill the purposes of the act. To carry out the purposes of this marketing order, the board may provide for programs in the following areas:

- (1) Establish plans and conduct programs for advertising, labeling, sales, promotion, public relations, and consumer education, and/or other programs for maintaining present markets and/or creating new or larger markets for Puget Sound commercially harvested gillnet salmon and salmon products. Such programs shall be directed toward increasing the sale, improving the markets, or promoting Puget Sound gillnet salmon and salmon products without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of commercial gillnet salmon products nor disparage the quality, value, sale, or use of any other agricultural commodity.
- (2) Provide for research in the production, management, harvest, harvest management, harvest selectivity, harvest regulation or proposed regulation, protection against harvest impact on habitat or other species, processing and/or marketing of commercial gillnet salmon products and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University or the University of Washington, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefore, the project may be carried out by other research agencies selected by the board.
- (3) Provide for marketing information and services to affected producers.
- (4) Investigate and take necessary action to prevent unfair trade practices and to correct where possible, trade practices which hinder marketing of Washington gillnet salmon products.
- (5) Allocation of assessments collected from affected producers shall be made by the board using the following formula:
- (a) All operating costs will be borne by all affected producers.
- (b) All programs, plans, research, and marketing deemed by the board to be in the collective best interest of all affected producers, regardless of salmon or salmon product produced, will be borne by all affected producers.

NEW SECTION

WAC 16-585-040 Assessments and collections. (1) The assessment on all commercial gillnet salmon harvested in the production area shall be as follows: Two percent of the landed value of salmon shall be assessed to the producer.

- (2) For the purpose of collecting assessments, the board may require the person subject to the assessment or the person responsible for collection of producer assessments to give adequate assurance or security for its collection and/or payment.
- (3) For the purpose of assuring and verifying compliance with the recordkeeping and reporting requirements of this order and the act, the director and the board through its duly authorized employees, shall have access to and the authority to audit and examine such records.
- (4) All reports and records furnished or submitted by producers, handlers or processors to, or obtained by, the board or employees of the board which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the

particular producer or handler or processor from whom received, shall be treated as confidential, and the reports shall not be disclosed to board members and shall at all times be kept in the custody and under the control of one or more employees of the board who shall not disclose such information to any person other than the director, or his authorized agents. Disclosure of compilations of general reports from data and information submitted by producers is authorized subject to the prohibition of revealing individual producers' or handlers' identities or operations.

- (5) Any moneys collected or received by the board pursuant to the provisions of this marketing order during or with respect to any year, may be refunded on a pro rata basis at the close of such year or at the close of such period as the board determines to be reasonably adapted to effectuate the declared policies of the act and the purposes of this marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding year.
- (6) Any due and payable assessment herein levied in such specified amount as provided under the act and this marketing order and any assessment which is required hereunder to be collected, shall constitute a personal debt of every person so assessed, responsible for collection, or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent iurisdiction for the collection thereof, together with the above specified ten percent plus the costs and expenses of suit and a reasonable attorney's fee therein, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.
- (7) Assessments may, with the concurrence of the affected producer, be collected prospectively.

NEW SECTION

WAC 16-585-050 Time—Place—Method for payment and collection of assessments—Landing reports. The following procedure is established for the reporting and paying of assessments:

- (1) At the time of salmon landing, first sale and/or completion of a Washington department of fish and wildlife landing receipt (fish ticket), the producer shall pay and the handler shall collect and deduct from the price paid to the producer the producer's two percent assessment on the landed value of the salmon. This collection and deduction shall be accurately reported on the fish ticket.
- (2) No later than thirty days from the last day of any month in which any Puget Sound salmon has been obtained by a handler, each such handler shall:
- (a) Remit to the board all sums required to be collected and deducted from affected producers upon their landings during that month for a total of two percent of the landed

value of Puget Sound gillnet salmon obtained by that handler during that month.

- (b) Provide to the board with such remittance a report indicating the full name, address, and commercial salmon fishing license number of each affected producer from whom the said handler has purchased or obtained affected commodity during the said month and for each such affected producer, indicate the landed value of the salmon purchased or obtained, and the amount of the producer's two percent assessment which has been collected from that producer.
- (3) The board may require cold storage facilities storing Puget Sound gillnet salmon to file with the board information and reports regarding the amount of the affected commodity in storage, the date of receipt, and the name, address, and commercial salmon fishing license number of each such owner, and may require that such salmon not be shipped from a cold storage facility until the facility has been notified by the commission that the commodity owner has paid the commission for any assessments imposed by this marketing order.
- (4) All assessments due from affected producers under this order shall be payable at the time of completion of a Washington department of fish and wildlife landing receipt (fish ticket) and shall be paid by the producer and collected by the handler at that time and shall be remitted to the board as provided in this order.
- (5) Producer-handlers shall pay the producer assessments and shall fulfill all the responsibilities of handlers and producers under this order including the collection, recordkeeping, reporting, and remittance of assessments.
- (6) When, in the judgment of the board, a particular handler or producer-handler has demonstrated its unreliability to make the collection or remittance of the producer assessments called for in this order, the board may require that said handler or producer-handler not transport, carry, ship, sell, market or otherwise handle or dispose of any of the affected commodity until every due and payable assessment provided for under this order has been paid to the board and the receipt issued.

NEW SECTION

WAC 16-585-060 Obligations of the board. Obligations incurred by the board or employees or agents thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under this order were a corporation. No liability for the debts or actions of the board, employees, or agents incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

NEW SECTION

WAC 16-585-070 Termination of this order. This order shall be terminated if the director finds that fifty-one percent by number and fifty-one percent by volume of production of the affected producers assent to such action. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is assented to whenever twenty percent by number or twenty percent by volume of production of the affected producers file written applications with the director for termination. The termination shall become effective at the end of the fiscal year.

NEW SECTION

WAC 16-585-080 Effective time. This marketing order for Puget Sound salmon shall become effective on or after April 1, 1995, and shall remain in full force and effect until terminated under the provisions of the act.

NEW SECTION

WAC 16-585-090 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to other person, circumstances, or thing shall not be affected thereby.

WSR 95-073 PROPOSED RULES WESTERN WASHINGTON UNIVERSITY

[Filed February 15, 1995, 9:42 a.m.]

Original Notice.

Title of Rule: Parking and traffic regulations, amending chapter 516-12 WAC.

Purpose: Provide an impound alternative other than towing the vehicles from campus as a consequence for violation of university's parking regulations and failure to pay fines.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Summary: Amend chapter 516-12 WAC to provide an impound alternative other than towing the vehicles from campus as a consequence for violation of the university's parking regulations and failure to pay fines.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Gloria McDonald, OM 335, Western Washington University, Bellingham, 98226, (360) 676-2037; Implementation: VPB&FA George Pierce, OM 300, Western Washington University, Bellingham, 98225, (360) 650-3180; and En-

forcement: Ann Wallace, Parking Services, Western Washington University, (360) 650-3602.

Name of Proponent: Western Washington University, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Minimal fiscal impact.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: To provide an impound alternative other than towing the vehicles from campus as a consequence for violation of the university's parking regulations and failure to pay the fines.

Proposal Changes the Following Existing Rules: Adds an impound alternative other than towing vehicles from campus.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The proposed rule change results in violators having to pay less money in order to obtain release of their automobile from impoundment than they would from having to pay for towing and storage charges. No costs are imposed on any small business through any of the university's parking regulations, so an economic statement need not be prepared.

Hearing Location: Old Main 340, Western Washington University, Bellingham, Washington, on April 5, 1995, at 1 p.m.

Assistance for Persons with Disabilities: Contact Ann Wallace by April 5, 1995, TDD (360) 650-3725, or (360) 650-3306.

Submit Written Comments to: Ann Wallace, Parking Services, Western Washington University, Bellingham, Washington 98225, FAX (360) 650-3412, by April 5, 1995.

Date of Intended Adoption: April 14, 1995.

February 13, 1995 Wendy Bohlke Senior Counsel Assistant Attorney General

AMENDATORY SECTION (Amending Order 92-01, filed 3/3/92, effective 3/31/92)

WAC 516-12-400 Definitions. As used in this chapter, and chapters 516-13 and 516-14 WAC, the following words and phrases mean:

- (1) "Area designator": A tag affixed to a permit indicating a parking lot assignment for a vehicle.
- (2) "Automobile": Any motorized vehicle having four or more wheels.
- (3) "Board": The board of trustees of Western Washington University.
- (4) "Campus": All state lands devoted to the educational or research activities of the university.
- (5) "Dismount zone": Any area designated by signs or symbols as a place where bicycles shall not be ridden but may be walked.
- (6) "Employee": Any individual appointed to the faculty, staff, or administration of the university.
- (7) "Habitual offender": ((Any)) The driver of a vehicle license number or permit number accruing ten or more paid or unpaid parking citations.

[85] Proposed

- (8) "Impoundment": A state in which a vehicle has been seized and kept in legal custody by either being immobilized with a wheel lock device or towed from campus.
- (9) "Motorcycle": Any two or three wheeled motorized vehicle.
- $((\frac{(9)}{(9)}))$ "Motor vehicle" or "vehicle": Any automobile or motorcycle.
- $((\frac{(10)}{(11)}))$ "Parking appeals board": The board which hears parking citation appeals.
- (((11))) <u>(12)</u> "Parking manager": The person appointed parking manager of the university by the president or designee.
- (((12))) (13) "Parking space": A parking area designated by a sign, wheelstop, white-painted lines, and/or white traffic buttons.
- (((13))) (14) "Permit": Any special or temporary parking permit authorized by the parking manager.
- (((14))) (15) "President": The president of Western Washington University.
- (((15))) <u>(16)</u> "Public safety department": The university public safety department.
- $((\frac{16}{10}))$ $(\frac{17}{10})$ "Student": Any person enrolled in the university as a student.
- $((\frac{17}{17}))$ (18) "Transportation and parking department": The transportation and parking department of the university.
- (((18))) (19) "Time-limited parking space": A space in which parking is allowed for a specific time period.
- (((19))) (20) "University": Western Washington University.
- (((20))) (21) "Valid permit": An unexpired parking permit authorized by the parking manager, properly registered and displayed on the vehicle.
- (((21))) (22) "Wheelstop": A cement, metal, or wood barrier approximately eight inches high.

AMENDATORY SECTION (Amending WSR 90-17-032, filed 8/9/90, effective 9/9/90)

WAC 516-12-470 Enforcement. (1) General

- (a) A vehicle which is parked in a manner which endangers or potentially endangers members of the university community or their property, state property, and/or prevents a person having a valid permit from parking in their designated parking area, will be impounded on the first violation.
- (b) Upon receiving a third parking citation with two previous unpaid parking citations outstanding for more than seventy-two hours, a vehicle is subject to impound.
- (c) A student with unpaid parking citations may not be allowed to have a copy of his/her transcript released by the registrar's office.
- (d) Parking permits will not be issued until all outstanding citations are paid.
- (e) After identifying the registered owner of any vehicle without a parking permit or a permit number which has one or more unpaid citations, the parking services office will contact the owner in writing that payment is required. If payment for outstanding citations is not made by the date required, the matter will be referred to the appropriate collection agent and/or civil court for resolution.
- (f) The operator and owner(s) of a vehicle which is involved in a violation of the university's parking regulations

- are jointly and severally responsible for the violation. The person to whom a permit is issued is responsible for all citations issued to that permit number.
- (g) These enforcement measures are cumulative and resort to one or more will not waive or impair the university's right to use any other enforcement measure.
- (h) The fine and penalty for illegal possession of a lost or stolen permit will be a fine equal to the original value of the highest priced period plus \$5.00 and revocation of parking privileges for a period of one year.
 - (2) When regulations are in effect
- (a) Except as stated in b and c of this section, the regulations in this chapter will be enforced throughout the calendar year from 7 a.m. to 5 p.m. but will not be enforced on Saturdays, Sundays, and official university holidays unless otherwise posted. For purposes of this section, intersessions are not considered a university holiday.
- (b) A vehicle which is parked in a manner which endangers or potentially endangers members of the university or their property or state property will be impounded on the first violation regardless of when the violation occurs.
- (c) Intersession regulations will be determined and published by the parking manager as required.
 - (3) Night parking
 - (a) The hours of night parking are 5 p.m. to 7 a.m.
- (b) During the hours of night parking all lots except "R" (campus resident) lots and reserved spaces in any lot are open to parking unless otherwise designated by the parking manager.
- (c) "R" parking lots are restricted to "R" permit holders at all times.
- (4) Citations. A vehicle which is in violation of the university's parking regulations will be issued a citation, and fines will be assessed for violations of these regulations according to the following schedule:
 - (a) \$5.00 violations:
 - (i) Occupying more than one space;
 - (ii) Parking at an expired meter;
 - (iii) Improper display of permit;
 - (iv) Overtime parking.
 - (b) \$10.00 violations:
 - (i) No valid permit displayed;
- (ii) Parking in prohibited area (except handicapped spaces);
 - (iii) Parking on grass or landscaped area;
 - (iv) Parking out of assigned area;
 - (v) Parking in a no parking zone;
 - (vi) Parking in a reserved area;
 - (vii) Parking in a driveway or walkway.
 - (c) \$15.00 violation: Blocking traffic.
 - (d) \$25.00 violations:
 - (i) Parking in a designated handicapped space;
- (ii) Parking within ten feet of a fire hydrant or in a fire lane;
- (e) \$100.00 violation. Display of lost, stolen or forged permit.
- (f) Citations will remain in effect for a period of five years.
- (5) Continued violations. A vehicle which remains in violation of any regulations may receive additional citations for every four hours of the violation.
 - (6) Impoundment by towing or wheel lock:

- (a) All violators are subject to having their vehicles impounded through the use of towing or the wheel lock device at their own risk and expense.
- (((i) Upon receiving a third parking citation with two previous unpaid citations outstanding for more than 72 hours.
- (ii) When the vehicle is parked in such a manner as to endanger the university community; or
- (iii) The vehicle is parked so as to deprive a permit holder of his/her parking space; or
- (iv) When a vehicle is left under circumstances which indicate it has been abandoned; or
- (v) When a vehicle displays a permit that has been forged or reported lost or stolen;
- (vi) At any time their vehicles are parked on campus when parking privileges have been revoked.))
- (b) ((The operator/owner of the vehicle must provide positive personal identification and proof of ownership of the vehicle and pay all outstanding citations at the parking services office (or public safety office when parking services office is closed) before a vehicle release form is completed.)) Any vehicle may be towed away if the vehicle:
- (i) ((The release form is issued to the vehicle operator/ owner who must then present it in person at the towing company and pay all towing charges including any storage fees incurred;)) Has been immobilized by wheel lock for more than twenty-four hours; or
- (ii) ((A towing fee is charged if the driver of the tow truck has performed any labor prior to the operator/owner returning to the vehicle before the impound is completed.)) Is parked in such a manner as to endanger the university community; or
- (iii) Is parked in a fire lane or other posted tow-away zone; or
- (iv) Is parked so as to deprive a permit holder of space in his/her assigned lot, personally reserved space or handicapped space without a proper permit; or
- (v) Is left under circumstances which indicate it has been abandoned; or
- (vi) Is found displaying a forged or reported lost or stolen permit; or
 - (vii) Cannot be impounded with the wheel lock device.
- (c) Any vehicle may be immobilized by use of a wheel lock device if the vehicle:
- (i) Has an accumulation of two or more unpaid parking tickets (the second of which has been outstanding for more than seventy-two hours); or
- (ii) Is parked at any time on campus when parking privileges have been revoked.
- (d) The operator/owner of the impounded vehicle must provide positive personal identification and proof of ownership of the vehicle and pay all outstanding citations at the parking services office (or university public safety department when parking services office is closed) before a vehicle release is authorized, a release form completed and a copy issued to the vehicle operator/owner.
- (e) A fee will be assessed on vehicles immobilized by the wheel lock device.
- (f) Any vehicle which remains immobilized by wheel lock for more than twenty-four hours in an area where towing is not practical or possible will be assessed a fee for each day or portion thereof over the twenty-four hours.

- (g) An impound fee is charged if the driver of the tow truck or the wheel lock operator has performed any labor prior to the vehicle operator/owner returning to the vehicle before the impoundment is completed.
- (h) An impounded vehicle shall be released to the operator/owner of the vehicle when:
- (i) Positive identification and proof of ownership of the vehicle is provided;
- (ii) All unpaid fines against the impounded vehicle or any other vehicle registered to the violator are paid at parking services (or university public safety department when parking services is closed);
 - (iii) A wheel lock fee is paid; and/or
 - (iv) All towing and storage fees are paid.
- (i) The operator/owner of the towed vehicle must present an authorized release form to the towing company and pay all towing charges including any storage fees incurred.
- (j) The university assumes no responsibility for damages which may result from use of the wheel lock device, storage, or attempts to move a vehicle with a wheel lock device installed.
 - (7) It is prohibited to park:
 - (a) Without a valid permit;
 - (b) Double parked;
 - (c) In reserved spaces without a proper permit;
 - (d) In no parking areas;
 - (e) In a handicapped space without a proper permit;
- (f) In fire lanes, service roads, fire exits or within 10 feet of a fire hydrant;
- (g) In loading zones unless actually loading (time is limited);
- (h) In service entrances, construction sites, spaces reserved for maintenance vehicles, handicapped access areas, dumpster access;
- (i) On lawns, sidewalks, crosswalks, parking lot driveways, straddling painted lines or buttons, or angle parking where prohibited;
 - (i) Exceeding time in time-limited or metered spaces;
 - (k) In areas where permit is not valid;
 - (1) Over or adjacent to yellow lines or curbs;
 - (m) Against the flow of traffic;
- (n) In areas or spaces closed by barricades or other control devices.

WSR 95-05-076 PROPOSED RULES STATE BOARD OF EDUCATION

[Filed February 15, 1995, 11:14 a.m.]

Original Notice.

Title of Rule: Chapter 180-95 WAC, Educational clinics.

Purpose: To make technical corrections to update terminology.

Statutory Authority for Adoption: RCW 28A.205.050. Statute Being Implemented: Chapter 211, Laws of 1993.

Summary: Proposed amendments redesignate educational clinics as education centers throughout chapter 180-95 WAC, and otherwise update the rules as appropriate.

Reasons Supporting Proposal: Chapter 211, Laws of 1993, redesignated educational clinics as education centers.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (206) 753-2298; Implementation: Larry Davis, State Board of Education, Olympia, (360) 753-6715; and Enforcement: Tom Lopp, Office of Superintendent of Public Instruction, Olympia, (360) 753-1066.

Name of Proponent: State Board of Education, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See above.

Proposal Changes the Following Existing Rules: Updates terminology and provides reference to other existing rules related to education centers.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: North Thurston School District Board Room, 305 College Street N.E., Lacey, WA 98516, on March 22, 1995, at 1:50 p.m.

Assistance for Persons with Disabilities: Contact Jim Rich, TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, by March 21, 1995.

Date of Intended Adoption: March 24, 1995.

February 15, 1995 Larry Davis Executive Director

Chapter 180-95 WAC ((EDUCATIONAL CLINICS)) EDUCATION CENTERS

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-95-005 Purpose. The purpose of this chapter is to implement RCW 28A.205.010, 28A.205.020, 28A.205.030, 28A.205.040, 28A.205.050 and to establish the criteria and procedures to be used in certification of an ((educational elinie)) education center.

AMENDATORY SECTION (Amending Order 4-94, filed 1/19/94, effective 2/19/94)

WAC 180-95-050 Withdrawal of certification as an education center. The state board of education may withdraw certification if the board finds that a ((elinie)) center fails:

- (1) To provide adequate instruction in basic academic skills which shall mean:
- (a) The ((elinie)) center does not offer or make provision for instruction in all the basic skills defined in WAC 180-95-010(2), or
- (b) Evidence/data do not verify educational gains which relate directly to the individual learning objectives and the educational and/or employment goals established, or
- (c) The center does not provide opportunities for employment orientation.

(2) To meet any of the criteria for certification of education centers as established in WAC 180-95-020.

NEW SECTION

WAC 180-95-070 Additional rules. See also rules of the superintendent of public instruction at chapter 392-185 WAC which govern the certification of education centers, and rules of the state board for community and technical colleges at chapter 131-48 WAC which govern GED testing and certificates of educational competence.

WSR 95-05-077 PROPOSED RULES STATE BOARD OF EDUCATION

[Filed February 15, 1995, 11:16 a.m.]

Original Notice.

Title of Rule: Chapter 180-43 WAC, Interscholastic activities.

Purpose: To revise due dates for the Washington Interscholastic Activities Association to submit an annual report, rules and policies to the State Board of Education for review and/or approval.

Statutory Authority for Adoption: RCW 28A.600.200 (1) and (2).

Summary: See above.

Reasons Supporting Proposal: Proposed amendments would provide a more practicable timeline for submittal of required reports, rules and policies.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (206) 753-2298; Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See above.

Proposal Changes the Following Existing Rules: Changes report date requirements.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: North Thurston School District Board Room, 305 College Street N.E., Lacey, WA 98516, on March 22, 1995, at 1:50 p.m.

Assistance for Persons with Disabilities: Contact Jim Rich, by 3/95 [March 8, 1995], TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, by March 21, 1995.

Date of Intended Adoption: March 24, 1995.

February 15, 1995 Larry Davis Executive Director AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-43-010 Annual report. The Washington interscholastic activities association and any other voluntary nonprofit entities which have been delegated powers by a school district pursuant to RCW 28A.600.200, shall submit an annual report to the state board of education of student appeal determinations, assets, and financial receipts and disbursements.

(1) The annual report shall be delivered to the ((secretary)) executive director of the board not later than ((November 1)) December 15 of each calendar year.

- (2) The annual report shall include the standard financial statement for the preceding fiscal year of the association or entity, prepared in accordance with generally accepted accounting principles. The financial statements shall include adequate information to inform the state board of education of the activities of the interscholastic activities association during the year reported upon. At a minimum, the certified financial statements as prepared by a certified public accountant or licensed public accountant shall list all assets and liabilities in a statement of financial position; a statement of cash receipts and disbursements; and other exhibits detailing salary expenses, office expenses, state tournament finances, and the basis for distributing profits to the school districts.
- (3) The annual report shall include a section summarizing student eligibility appeal cases by local interscholastic activities association districts for the preceding school year (September 1 through August 31). Details of the summary shall include student's ((first name and surname initial,)) school, the rule and factual issue involved, interscholastic activities association district disposition and date, and if ruled ineligible at the district level, interscholastic activities association executive director and/or executive board disposition and date.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-43-015 Rules and policies. All rules and policies applied by the Washington interscholastic activities association and any other voluntary nonprofit entities which have been delegated powers by a school district pursuant to RCW 28A.600.200 and which govern student participation in any interschool activity, shall be written and subject to the annual review and approval of the state board of education.

No such rule or policy shall be valid and enforceable during any school year unless first approved by the state board for that particular school year. All such rules shall be submitted annually by the association and other nonprofit entities to the state board office on or before ((March 1 for initial review at the board's March meeting and, if subsequently revised, again on or before)) May 1 for final action by the board at its May meeting. The state board may modify the foregoing schedule of submissions and actions in its discretion at the request of the association or other nonprofit entity.

WSR 95-05-079 PROPOSED RULES HORSE RACING COMMISSION

[Filed February 15, 1995, 11:27 a.m.]

Original Notice.

Title of Rule: WAC 260-48-320 Daily double, eliminates the wording allowing for one daily double per race day.

Purpose: Amend the rule to allow for more than one daily double wager per race program per race day.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: This will allow the associations to run the daily double wager if there is no winning ticket.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (360) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This change will remove the restriction of one daily double per race day.

Proposal Changes the Following Existing Rules: This change will amend WAC 260-48-320 dealing with the daily double wager rules. The change will allow more than one daily double per race day.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The enactment above is not anticipated to affect more than twenty percent of all industries nor more than twenty percent of any one industry as defined by section 2(3), chapter, Laws of 1982. Therefore, a small business impact statement has not been prepared.

Hearing Location: Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, on March 21, 1995, at 1:00 p.m.

Submit Written Comments to: Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, FAX (360) 459-6461, by March 20, 1995.

Date of Intended Adoption: March 21, 1995.

February 15, 1995 Bruce Batson Executive Secretary

AMENDATORY SECTION (Amending Order 419 [Rules of Racing, § 419], filed 4/21/61)

WAC 260-48-320 Daily double. (((1) Only one daily double will be permitted during a single racing program.))

(((2))) (1) If no ticket is sold combining the two winners of the daily double, the pool shall then be apportioned equally between those having tickets including the winner in the first race of the daily double and those having tickets including the winner in the last race of the daily double in the same manner in which place pool is calculated and distributed.

 $((\frac{(3)}{2}))$ (2) If no ticket is sold including the winner of the first race of the daily double then the entire pool will be paid to the holders of tickets which include the winner of the last race of the daily double.

(((4))) (3) Likewise, if no ticket is sold including the winner of the last race of the daily double, the entire pool will be paid to the holders of tickets which include the winner of the first race of the daily double.

(((5))) (4) If no ticket is sold including a winner of either race of the daily double, then the pool shall be paid to holders of tickets which include the horses finishing second in the two races of the daily double.

 $((\frac{(6)}{)})$ (5) If no ticket is sold that would require distribution of the daily double pool to a winner under the subsections (1), (2), (3)(($\frac{1}{2}$)) and (4) ((and (5))) of this rule, the association shall make a complete and full refund of the daily double pool.

(((7))) (6) If for any reason the first race of a daily double is cancelled and declared off, full and complete refund will be made of the daily double pool.

(((8))) (7) If for any reason, the second race of a daily double is cancelled or declared off, the whole of the daily double pool shall be distributed as a win pool to the holders of daily double tickets, upon the winner of the first half of the daily double. If no daily double ticket has been sold upon the winner of the first half of such daily double, the total pool shall be distributed as a win pool to the holders of the daily double tickets upon the horse finishing second in the first half of such daily double.

(((9))) (8) There shall be a refund of daily double wagers in the event of a horse being scratched before the betting on the daily double has closed. (This refund to apply only to wagers on the horse scratched.)

(((10))) (9) In the event a horse is excused in the second half of the daily double, after the first race is official, all money wagered on the scratched horse in the second half of the daily double shall be deducted from the daily double pool. Using this money, so deducted, as a win pool, a special or consolation prize shall be paid to all ticket holders, combining the scratched horse with the winner of the first race of the daily double.

(((11))) (10) Before the running of the race comprising the last half of the daily double pool there shall be posted in a prominent place, easily visible from the grand stand, club house and bleachers, the pay-off of each combination coupled with the winner of the first half of the daily double.

(((12))) (11) In case of a dead heat for winner in the first half of the daily double, the pay-off of the daily double need not be posted until after the running of the second half of the daily double, owing to the complicated calculations involved. However, announcement of this fact must be made over the loud-speaker and notice to this effect be posted on the board at conclusion of first half of daily double.

 $(((\frac{13}{2})))$ (12) If a dead heat should result in either the first or second race of the daily double, the total pool is figured as a place pool.

(((14))) (13) Sale of daily double tickets shall close not later than "off-time" of the first race of the daily double.

(((15))) (14) The daily double is not a "parlay" and has no connection with or relation to the pool shown on the totalizator board. In any race, the win, place, show and daily double pools are treated separately and calculated independently of each other.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 95-05-080 PROPOSED RULES STATE BOARD OF EDUCATION

[Filed February 15, 1995, 11:30 a.m.]

Original Notice.

Title of Rule: WAC 180-29-125 Award of contract(s). Purpose: To require school districts to award construction contracts in a timely manner.

Statutory Authority for Adoption: RCW 28A.525.020. Statute Being Implemented: RCW 28A.525.200.

Summary: This proposed amendment would require school districts to award contracts within specific time periods as permitted by terms and conditions of the bid documents.

Reasons Supporting Proposal: To provide assurance to the State Board that funds authorized for a specific project are backed by a contract signed by all appropriate parties.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (360) 753-2298; Implementation: David L. Moberly, Office of Superintendent of Public Instruction, Olympia, (360) 753-6742; and Enforcement: Alberta J. Mehring, Office of Superintendent of Public Instruction, Olympia, (360) 753-6702.

Name of Proponent: State Board of Education, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: School districts which do not award contracts within the time period required by terms and conditions of the bid documents will lose approval for receipt of state matching funds.

Proposal Changes the Following Existing Rules: Sets a specific time period for contract signing.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: North Thurston School District Board Room, 305 College Street N.E., Lacey, WA 98516, on March 22, 1995, at 1:50 p.m.

Assistance for Persons with Disabilities: Contact Jim Rich by March 8, 1995, TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, by March 21, 1995.

Date of Intended Adoption: March 24, 1995.

February 15, 1995 Larry Davis Executive Director AMENDATORY SECTION (Amending WSR 94-01-013, filed 12/3/93, effective 1/3/94)

WAC 180-29-125 Award of contract(s). Upon receipt of authorization to award contract(s) from the superintendent of public instruction, the board of directors of the school district ((may proceed with)) shall award ((of)) contract(s) for construction of the school facility project no later than the expiration of the time period permitted by the terms and conditions of the bid(s) for the award of contract(s). Immediately following the awarding of contract(s), the board of directors of the school district shall forward to the superintendent of public instruction one copy of each properly executed contract, one copy of the contractor's cost breakdown, and one copy of the contract(s) payment schedule. Such cost breakdown and payment schedule shall be displayed on a form issued and approved by the superintendent of public instruction in accordance with WAC 180-29-085 (1)(b). All state assistance-related approvals granted by the state board of education and the superintendent of public instruction under this chapter shall lapse and be null and void if a school district fails to award contract(s) within the time period permitted by the terms and conditions of the bid(s), unless noncompliance is waived for extraordinary reasons by the state board of education.

WSR 95-05-081 PROPOSED RULES STATE BOARD OF EDUCATION

[Filed February 15, 1995, 11:33 a.m.]

Original Notice.

Title of Rule: WAC 180-29-015 Application—Study and survey by the Superintendent of Public Instruction.

Purpose: To delete a requirement from chapter 180-29 WAC which was previously repealed in chapter 180-25 WAC.

Statutory Authority for Adoption: RCW 28A.525.020. Statute Being Implemented: RCW 28A.525.200.

Summary: This is a housekeeping change to delete a reference from the procedural chapter which was previously deleted from chapter 180-25 WAC.

Reasons Supporting Proposal: To delete a reference for which there is now no authority.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (360) 753-2298; Implementation: David L. Moberly, Office of Superintendent of Public Instruction, Olympia, (360) 753-6742; and Enforcement: Alberta J. Mehring, Office of Superintendent of Public Instruction, Olympia, (360) 753-6702.

Name of Proponent: State Board of Education, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: To delete a requirement from chapter 180-29 WAC which was previously repealed in chapter 180-25 WAC.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: North Thurston School District Board Room, 305 College Street N.E., Lacey, WA 98516, on March 22, 1995, at 1:50 p.m.

Assistance for Persons with Disabilities: Contact Jim Rich by March 8, 1995, TDD (206) 664-3631, or (206) 753-6733

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, by March 21, 1995.

Date of Intended Adoption: March 24, 1995.

February 15, 1995 Larry Davis Executive Director

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-015 Application—Study and survey by the superintendent of public instruction. To qualify for consideration and eligibility for state assistance by the state board of education, the school district board of directors shall:

(1) Submit to the superintendent of public instruction an application for each school facility project; and

(2) Request a study and survey of the district, to be conducted by the superintendent of public instruction with the cooperation of the school district pursuant to requirements in chapter 180-25 WAC. ((The aforementioned study and survey must be completed, reviewed by the district board of directors, and submitted to the state board of education prior to school district submittal of any capital funding measures to the voters of the district.))

WSR 95-05-082 PROPOSED RULES STATE BOARD OF EDUCATION

[Filed February 15, 1995, 11:34 a.m.]

Original Notice.

Title of Rule: WAC 180-29-095 Construction documents—Compliance with public works statutory provisions.

Purpose: To delete a section of WAC which referenced chapter 39.25 RCW which was repealed during the 1994 legislative session.

Other Identifying Information: HB 2811.

Statutory Authority for Adoption: Chapter 39.25 RCW. Statute Being Implemented: RCW 39.25.010, 39.25.020, 39.25.030.

Summary: HB 2811 repealed chapter 39.25 RCW which was referenced in WAC 180-29-095.

Reasons Supporting Proposal: This section of Title 39 RCW, Public contracts and indebtedness, has been repealed.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (360) 753-2298; Implementation: David L. Moberly, Office of Superintendent of Public Instruction, Olympia, (360) 753-6742; and Enforcement:

Alberta J. Mehring, Office of Superintendent of Public Instruction, Olympia, (360) 753-6702.

Name of Proponent: State Board of Education, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: To delete a reference from WAC which was repealed from the RCW.

Proposal Changes the Following Existing Rules: It will delete a WAC reference which was previously required by RCW.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: North Thurston School District Board Room, 305 College Street N.E., Lacey, WA 98516, on March 22, 1995, at 1:50 p.m.

Assistance for Persons with Disabilities: Contact Jim Rich by March 8, 1995, TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, by March 21, 1995.

Date of Intended Adoption: March 24, 1995.

February 15, 1995 Larry Davis Executive Director

AMENDATORY SECTION (Amending Order 11-84, filed 10/4/84)

WAC 180-29-095 Construction documents—Compliance with public works statutory provisions. The construction documents shall provide for compliance by the contractor with pertinent statutory provisions relating to public works including the following:

- (1) Chapter 39.08 RCW relating to contractor's bond;
- (2) Chapter 39.12 RCW relating to prevailing wages;
- (3) ((Chapter 39.25 RCW relating to offshore items;
- (4))) Chapter 18.27 RCW relating to contractor registration;
- (((5))) (4) Chapter 49.28 RCW relating to hours of labor;
- (((6))) (5) Chapter 49.60 RCW relating to discrimination; and
- (((7))) (6) Chapter 70.92 RCW relating to the provisions for the aged and physically handicapped.

WSR 95-05-083 PROPOSED RULES STATE BOARD OF EDUCATION

[Filed February 15, 1995, 11:38 a.m.]

Original Notice.

Title of Rule: WAC 180-27-019 Definition—Instructional space.

Purpose: Amendment is necessary to implement provisions of RCW 28A.525.055 as passed by the 1994 legislature.

Other Identifying Information: ESHB 2237.

Statutory Authority for Adoption: RCW 28A.525.020. Statute Being Implemented: RCW 28A.525.055.

Summary: The goal of the amended rule is to exclude from the inventory of available educational space those spaces that have been constructed for educational and community activities from grants received from other public or private entities.

Reasons Supporting Proposal: To comply with section 11 of ESHB 2237 as passed by the legislature in 1994.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (360) 753-2298; Implementation: David L. Moberly, Office of Superintendent of Public Instruction, Olympia, (360) 753-6742; and Enforcement: Alberta J. Mehring, Office of Superintendent of Public Instruction, Olympia, (360) 753-6702.

Name of Proponent: State Board of Education, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: To exempt certain areas from calculation of instructional space that have been constructed with money granted by a public or private entity other than a school district.

Proposal Changes the Following Existing Rules: This proposal will expand the definition of spaces which are excluded from a school district's inventory for purposes of calculating eligibility.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: North Thurston School District Board Room, 305 College Street N.E., Lacey, WA 98516, on March 22, 1995, at 1:50 p.m.

Assistance for Persons with Disabilities: Contact Jim Rich by March 8, 1995, TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, by March 21, 1995.

Date of Intended Adoption: March 24, 1995.

February 15, 1995 Larry Davis Executive Director

AMENDATORY SECTION (Amending WSR 90-01-076, filed 12/19/89, effective 12/19/89)

WAC 180-27-019 Definition—Instructional space. As used in this chapter, the term "instructional space" means the gross amount of square footage calculated in accordance with the American Institute of Architects, Document D101, The Architectural Area and Volume of Buildings, January 1980 edition, for a school facility utilized by a school district for the purpose of instructing students: Provided, That the following areas shall not be included in any calculation of instructional space:

- (1) Exterior covered walkways, cantilevered or support-
 - (2) Exterior porches including loading platforms.
 - (3) Space used by central administrative personnel.

- (4) Stadia and grandstands.
- (5) Bus garages.
- (6) Free-standing warehouse space specifically designed for that purpose.
 - (7) Portable facilities.
- (8) Other square footage not otherwise available or related to direct instruction or instructional support of the education program in the district.
- (9) The portion(s) of any space(s) constructed with money granted to a school district by a private entity or a public entity other than a school district that:
- (a) Is dedicated by the written terms of the grant to joint use by the school district for educational purposes and by the general public for community activities for the useful life of the space(s); and
- (b) The school district board of directors has committed the school district to use or permit the use of the space(s) in accordance with the joint use terms of the grant.

WSR 95-05-084 PROPOSED RULES DEPARTMENT OF FINANCIAL INSTITUTIONS

[Filed February 15, 1995, 11:42 a.m.]

Original Notice.

Title of Rule: Amending and adding sections to rules implementing the Mortgage Broker Practices Act.

Purpose: To interpret and administer chapter 19.146 RCW by providing and amending rules regarding the licensing and regulation of mortgage brokers, including: Application requirements, education and testing requirements, bonding requirements, trust account requirements and administration, fees, and fines and penalties.

Statutory Authority for Adoption: RCW 19.146.225. Statute Being Implemented: Chapter 19.146 RCW.

Summary: These new or amended rules implement amendments to the Mortgage Broker Practices Act (the "act"), chapter 19.146 RCW, passed during the 1994 legislative session, and clarify existing rules in chapter 50-60 WAC, and must be promulgated for the following reasons:

Policy questions and lack of statutory definitions require amendments adding new definitions to chapter 50-60 WAC for the efficient and effective administration of the act, including an amendment to the definition of third party service provider which in effect requires funds accepted from borrowers for purposes of locking an interest rate to be deposited in the mortgage brokers trust account.

Clarification of the existing rule regarding statutory exemptions is required to avoid unnecessary confusion and litigation.

Clarification and amendment of the existing rules regarding application for licenses, branch offices, and of the rules governing education, continuing education, and testing are required to incorporate changes to the statute and avoid unnecessary confusion and litigation.

Clarification of the rule governing the department's fees and assessments is required to avoid unnecessary confusion.

Amendment and clarification of the rules governing surety bond requirements and alternative forms of surety are

required to incorporate changes to the act, to avoid unnecessary confusion, to mitigate the impact of the bonding requirement on small business, and to provide clear guidance to the industry regarding this important element of licensing.

New rules governing the administration and control of trust accounts is required to implement the statutory requirements for trust accounts, provide guidance to the industry for management of their trust accounts, and to protect the public.

Clarification of rules governing registered agents and service on licensees is required to avoid unnecessary confusion.

Clarification of the rule governing the transfer of assets or mergers by licensees is required to ensure the integrity of the department's licensing activities, to avoid unnecessary confusion, and to avoid unnecessary litigation.

A new rule and amendment of the existing rule governing recordkeeping requirements is required to administer amendments to the act and to avoid unnecessary confusion.

Clarification of the existing rule governing disclosure of significant developments by licensees is required to avoid unnecessary confusion.

Clarification of the existing rule governing the denial or conditional approval of an application, or the suspension or revocation of a license is required to implement amendments to the act and to avoid unnecessary confusion.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark Thomson, Olympia, 902-8787.

Name of Proponent: Department of Financial Institutions, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule will allow the department to implement amendments to the Mortgage Broker Practices Act, chapter 19.146 RCW, governing the regulation of mortgage brokers. These amendments and additions to chapter 50-60 WAC will establish new definitions, revise the licensing procedures and processes, revise and provide for the education, testing, and continuing education requirements, revise and clarify the bonding and alternative surety requirements, establish trust account requirements and procedures, and clarify requirements for mergers and asset transfers by licensees, record keeping requirements, and other procedural requirements. The anticipated effect of the proposed rules is to provide for the continued efficient and effective operations of the department's mortgage broker regulatory program.

Proposal Changes the Following Existing Rules: WAC 50-60-010 is amended to add new definitions; WAC 50-60-020 is amended to clarify statutory exemptions from licensing or various sections of the act; WAC 50-60-030 is amended to clarify and add licensing requirements to implement changes to the act; WAC 50-60-035 is amended to clarify the granting of interim licenses pending completion of processing of the application; WAC 50-60-040 is amended to incorporate changes to the act involving education and experience requirements; WAC 50-60-050 is amended to clarify the director's right to demand criminal history information from applicants; WAC 50-60-060 is amended to clarify the department's authority to charge fees and make

assessments upon licensees; WAC 50-60-070 is amended to clarify the branch office application procedures; WAC 50-60-080 is amended to incorporate changes in the act, mitigate the impact of the bonding requirements on small business, and clarify the bonding requirements; WAC 50-60-100 is amended to clarify the licensing of members of associations who are required to be licensed by the act; WAC 50-60-110 is amended to clarify the requirements for a licensee who is transferring assets, merging, or changing a designated broker, or changing a principal; WAC 50-60-130 is amended to clarify the requirements for form of disclosures to borrowers as required by the act; WAC 50-60-140 is amended to clarify the general recordkeeping requirements required of licensees by the act; WAC 50-60-150 is amended to clarify the licensee's duty to disclose to the director certain significant developments which may impact the licensee's status; and WAC 50-60-160 is amended to clarify the director's authority to deny or conditionally approve an application, or suspend, or revoke a license.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Colleen Freeze, Department of Financial Institutions, P.O. Box 41200, Olympia, WA 98504-1200, phone (360) 902-8786, or FAX (360) 586-5068.

Hearing Location: Washington Interactive Television (WIT), 710 Sleater Kinney Road, Suite Q, Lacey, WA 98504-2451, on March 23, 1995, at 9:00 to 11:00 a.m.

Assistance for Persons with Disabilities: Contact Colleen Freeze by March 15, 1995, TDD (360) 902-664-8126, or (360) 902-8786.

Submit Written Comments to: Mark Thomson, P.O. Box 41200, Olympia, WA 98504-1200, FAX (360) 586-5068, by March 22, 1995.

Date of Intended Adoption: March 30, 1995.

February 15, 1995 John L. Bley Director

PART A DEFINITIONS

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-010 Definitions. (((1) "Material litigation" is defined as any past or pending litigation which would be relevant to the director's ruling on an application for a mortgage brokerage license, including but not limited to the following types of litigation:

(a) Any previous convictions for a felony in the last seven years or currently pending felony charges.

(b) Any previous or pending civil actions involving financial misconduct, including but not limited to violations of the Mortgage Brokers Practices Act, the Consumer Protection Act, or state or federal securities laws.

(2) A "branch office" is defined as a fixed physical location such as an office, separate from the principal place of business of the licensed mortgage broker, where a licensee holds itself out to the public as acting as a mortgage broker. "Hold out to the public" means advertising or otherwise informing the public that mortgage loans are made

or negotiated at that location, or listing that location on business eards, stationery, brochures, rate lists or other promotional items, but does not include listing a home or mobile telephone number on business eards or stationery in addition to listing the telephone number of a licensed place of business.

(3) A "principal" of any partnership, company, association or corporation is defined as any person who owns a ten percent interest or more in the partnership, company, association or corporation.)) A person "controls" an entity if the person, directly or indirectly through one or more intermediaries, alone or in concert with others, owns, controls, or holds the power to vote twenty-five percent or more of the outstanding stock or voting power of the controlled entity.

A person "holds oneself out" by advertising or otherwise informing the public that the person engages in any of the activities indicated, including without limit through the use of business cards, stationery, brochures, rate lists or other promotional items.

A person is "convicted" of a crime, irrespective of the pronouncement or suspension of sentence, if the person:

- Is convicted of the crime in any jurisdiction;
- Is convicted of a crime which, if committed within this state would constitute such a crime under the laws of this state;
- Has plead guilty or no contest or nolo contendere or stipulated to facts that are sufficient to justify a funding of guilt to such a charge before a court or federal magistrate; or
- Has been found guilty of such a crime by the decision or judgment of a court or federal magistrate or by the verdict of a jury.
- "Advertising material" means any form of sales or promotional materials to be used in connection with the mortgage broker business.

"Affiliate" means any person who controls, is controlled by, or is under common control with, another person.

"Application deposit" means a deposit in immediately available funds consisting of three hundred fifty dollars for each license applied for and one hundred seventy-five dollars for each branch office certificate applied for. For example, an applicant requesting a license and two branch office certificates must submit an application deposit of seven hundred dollars (calculated by adding three hundred fifty dollars to the product of two times one hundred seventy-five dollars).

"Approved examination" means a written examination approved by the director.

"Approved licensing or continuing education course" means a licensing or continuing education course approved by the director pursuant to this chapter.

"Borrower" means any person who consults with or retains a mortgage broker or loan originator in an effort to obtain or seek advice or information on obtaining or applying to obtain a residential mortgage loan for himself, herself, or persons including himself or herself, regardless of whether the person actually obtains such a loan.

"Branch office" means a fixed physical location such as an office, separate from the principal place of business of the licensee, where the licensee holds itself out as a mortgage broker.

"Branch office certificate" means a branch office license issued by the director to engage in the mortgage broker business as the branch office indicated in the certificate, pursuant to RCW 19.146.265.

"Certificate of passing an approved examination" means a certificate signed by the examination administrator verifying that the individual performed with a satisfactory score or higher or an approved licensing examination.

"Certificate of satisfactory completion of an approved continuing education course" means a certificate signed by the course provider verifying that the individual has attended an approved continuing education course.

"Certificate of satisfactory completion of an approved licensing course" means a certificate signed by the course provider verifying that the individual has attended at least forty hours of class of an approved licensing course.

"Consumer Protection Act" means chapter 19.86 RCW.

"Department" means the department of financial institutions.

"Designated broker" means a natural person designated by the applicant for a license or licensee who meets the experience, education, and examination requirements set forth in RCW 19.146.210(e).

"Director" means the director of financial institutions.

"Employee" means any natural person who:

• Has an employment relationship, acknowledged by both the employee and the mortgage broker; and

• Is treated as an employee by the mortgage broker for purposes of compliance with federal income tax laws.

"Financial institution" means a federally insured bank, savings bank, savings and loan association, or credit union, whether state or federally chartered, authorized to conduct business in this state.

"Financial misconduct" means without limitation:

- Any conduct prohibited by the Mortgage Broker Practices Act;
- Any similar conduct prohibited by statutes governing mortgage brokers in other states; and
- Any similar conduct prohibited by statutes governing other segments of the financial services industry, including but not limited to the Consumer Protection Act, statutes governing the conduct of securities broker dealers, financial advisers, escrow officers, title insurance companies, limited practice officers, trust companies, and other licensed or chartered financial service providers.

"Independent contractor" or "person who independently contracts" means any person that:

- Expressly or impliedly contracts to perform mortgage broker activities for a licensee;
- With respect to its manner or means of performing the activities, is not subject to the licensee's right of control; and
- Is not treated as an employee by the licensee for purposes of compliance with federal income tax laws.

"License" means a license issued by the director to engage in the mortgage broker business.

- "Licensee" or "licensed mortgage broker" means:
- · A mortgage broker licensed by the director; and
- Any person required to be licensed pursuant to RCW 19.146.200 and 19.146.020.
 - "Loan originator" means a natural person:
- Who is a mortgage broker employee who performs any mortgage broker activities; or

• Who is retained as an independent contractor by a mortgage broker, or represents a mortgage broker, in the performance of any mortgage broker activities.

"Lock-in agreement" means an agreement with a borrower made by a mortgage broker or loan originator, in which the mortgage broker or loan originator agrees that, for a period of time, a specific interest rate or other financing terms will be the rate or terms upon which it will make a loan available to the borrower.

"Material litigation" means any conviction in the prior seven years for a felony, or for a gross misdemeanor involving dishonesty or financial misconduct, and any litigation pending at any time during the prior seven years that would be relevant to the director's ruling on an application for a license, including but not limited to, the following types of litigation:

- Criminal actions involving felony charges.
- Criminal or civil actions involving dishonesty or financial misconduct.

"Mortgage broker" means any person that for compensation or gain, or in the expectation of compensation or gain:

- Makes a residential mortgage loan or assists a person in obtaining a residential mortgage loan; or
 - Holds himself or herself out as being able to do so.

"Mortgage Broker Practices Act" means chapter 19.146 RCW and chapter 50-60 WAC.

"Out-of-state applicant or licensee" means an applicant for a license or licensee that does not maintain a shipment office within this state.

"Person" means a natural person, corporation, company, partnership, or association.

"Prepaid escrowed costs of ownership," as used in RCW 19.146.030(5), means any amounts prepaid by the borrower for the payment of taxes, property insurance, interim interest, and similar items in regard to the security property.

"Principal" means any person who owns a ten percent or greater interest in a partnership, company, association or corporation, and the owner of a sole proprietorship.

"RCW" means the Revised Code of Washington.

"Real Estate Settlement Procedures Act" means the Real Estate Settlement Procedures Act, 12 U.S.C. Sections 2601 et seq., and Regulation X, 24 C.F.R. Sections 3500 et seq.

"Registered agent" means a person or persons located within this state that is appointed to accept service of process for a licensee that does not maintain a physical office within this state.

"Residential mortgage loan" means any loan primarily for personal, family, or household use secured by a mortgage or deed of trust on residential real estate upon which is constructed or intended to be constructed a single family dwelling or multiple family dwelling of four or less units.

"Subsidiary" means a corporation, company, partnership, or association that is controlled by another.

"Third-party provider" means any third party, other than a mortgage broker or lender, that provides goods or services to the mortgage broker in connection with the preparation of a borrower's loan and includes, but is not limited to, credit reporting agencies, title insurance companies, appraisers, structural and pest inspectors, or escrow companies. However, "third-party provider" does include a third-party lender, to the extent it provides lock-in arrangements to the

mortgage broker in connection with the preparation of a borrower's loan.

"Transfer" means a sale, transfer, assignment, or other disposition, whether by operation of law in a merger or consolidation, or otherwise.

"Truth in Lending Act" means the Truth in Lending Act, 15 U.S.C. Sections 1601 et seq., and Regulation Z, 12 C.F.R. Sections 226 et seq.

PART B EXEMPTIONS

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-020 Statutory exemptions. (1) The following <u>persons</u> are exempt from all provisions of ((these rules, with)) the ((exception of those who must comply with RCW 19.146.0201 according to RCW 19.146.020(2))) Mortgage Broker Practices Act:

- (a) Any person doing business under the laws of this state or the United States relating to commercial banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, consumer loan companies, insurance companies, or real estate investment trusts as defined in 26 U.S.C. Sec. 856 and the affiliates, subsidiaries, and service corporations thereof;
- (b) An attorney licensed to practice law in this state who is not principally engaged in the business of negotiating residential mortgage loans when such attorney renders services in the course of his or her practice as an attorney;
 - (c) Any person doing any act under order of any court;
- (d) ((Any person making or acquiring a residential mortgage loan solely with his or her own funds for his or her own investment without intending to resell the residential mortgage loans;
- (e))) A real estate broker or salesperson licensed by the state who obtains financing for a real estate transaction involving a bona fide sale of real estate in the performance of his or her duties as a real estate broker and who receives only the customary real estate broker's or salesperson's commission in connection with the transaction;
- (((f) Any mortgage broker approved and subject to auditing by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation;
- (g) Any mortgage broker approved by the United States Secretary of Housing and Urban Development for participation in any mortgage insurance program under the National Housing Act, 12 U.S.C. Sec. 1701, as now or hereafter amended;
- (h)) (e) The United States of America, the state of Washington, any other state, and any Washington city, county, or other political subdivision, and any agency, division, or corporate instrumentality ((or)) of any of the entities in this subsection (1)(((h))) (e); and
 - (((i))) (f) A real estate broker who:
- (i) In connection with a CLO system, provides only information ((only in connection with a CLO system, who may)) regarding rates, terms, and lenders;
- (ii) Receives a fee for providing such information ((in an amount approved by the director and who));

- (iii) Conforms to ((all)) these rules ((of the director)) with respect to the providing of such ((service)) information; and
- (iv) Discloses on a form approved by the director that to obtain a loan the borrower must deal directly with a mortgage broker or lender.

However, a real estate broker is not exempt from the act if he or she does any of the following:

- (A) Holds himself or herself out as able to obtain a loan from a lender;
- (B) Accepts a loan application, or submits a loan application to a lender;
- (C) Accepts any deposits for payment to a third-party provider, or accepts any loan fees from a borrower, whether such fees are paid before, upon, or after the closing of the loan;
- (D) Negotiates rates or terms with a lender on behalf of a borrower; or
- (E) Provides the disclosures required by RCW 19.146.030(1).
- (2) ((Those persons otherwise exempt under subsection (1)(f), (g), and (i) of this section)) (a) The persons described in (b) and (c) of this subsection are exempt from the Mortgage Broker Practices Act except that they:
- (i) Must comply with RCW 19.146.0201 through 19.146.090, Part D of chapter 50-60 WAC, and WAC 50-60-125, 50-60-130, 50-60-140, 50-60-190, and 50-60-200;
- (ii) Are subject to the director's authority to take enforcement action for any violation of applicable provisions of the Mortgage Broker Practices Act, pursuant to RCW 19.146.220, 19.146.221, and 19.146.227; and
- (iii) Are subject to the director's authority to obtain and review books and records that are relevant to any investigation of such a violation pursuant to the first paragraph of RCW 19.146.235, and WAC 50-60-060(3).
- (b) Any person making or acquiring a residential mortgage loan solely with his or her own friends for his or her own investment without intending to resell the mortgage loan.
- (c) Any mortgage broker approved and subject to auditing by the Federal National Mortgage Association, the Government National Mortgage Association, or the Federal Home Loan Mortgage Corporation.

PART C LICENSING

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-030 Application procedure for mortgage broker license. (1) Each person((, as defined in RCW 19.146.010(8), desiring to obtain licensure as a mortgage broker shall)) required to have a license must apply to the director by ((submitting)) filing the following:

- (((1))) (a) An application ((shall be made)) in the form prescribed by the director, including without limit the information required by RCW 19.146.205 (1)(a) through (d).
- (((2) The applications described in subsection (1) of this section must be accompanied by:
- (a))) (b) A surety bond ((or equivalent as described in)) and related power of attorney, or approved alternative to the

bond, in accordance with RCW 19.146.205 (3)(((a), (b), or (e))) and WAC 50-60-080 and 50-60-08001.

- (((b) Payment to the director of five hundred dollars for each application as a license fee to cover the costs of investigation and processing of the application, and otherwise enforcing this chapter)) (c) The application deposit.
- (((3) Each principal of an applicant that is a corporation or a partnership, or the owner if the applicant is unincorporated, shall complete and submit the following with the application)) (d) In regard to each principal, designated broker, and any branch office manager of the applicant:
- (((a))) (i) Biographical information including complete and accurate employment history and a description of any material litigation ((for the preceding seven years.)) involving the person;
- (((b))) (ii) An independent credit report obtained from a recognized credit reporting agency((-));
- (((e))) (iii) A signed authorization for a background investigation((-)) on a form provided by the department;
- (((d) A)) (iv) Completed fingerprint cards accepted by the Washington state patrol (does not apply to branch office managers);
- (v) A signed authorization for verification on a form provided by the department;
- (vi) A certificate of passing an approved licensing examination; and
- (vii) A certificate of satisfactory completion of an approved licensing course, or satisfactory proof of at least two years of experience in the residential mortgage loan industry in accordance with WAC 50-60-040.
- (((4+))) (e) A signed certificate of compliance and authorization to examine trust accounts on a form provided by the department;
- (f) Information to support any required branch office certificate, as required by WAC 50-60-070.
- (g) Information in regard to each independent contractor retained by the applicant, in accordance with RCW 19.146.200(1).
- (h) A copy of any written agreement with a lender or licensee, in accordance with RCW 19.146.040(2).
- (i) A copy of any form to be approved by the director in accordance with WAC 50-60-130(2).
- (j) If the applicant's principal office is located out-ofstate, information in regard to the applicant's registered agent, in accordance with RCW 19.146.220(3).
- (2) Notwithstanding any other provision of these rules, the director may deny an application as incomplete if the applicant fails within ten business days to meet a second request from the director for information, except that the director may grant an extension to the applicant when good cause is shown. An example of good cause may include, but ((shall)) is not ((be)) limited to, death or incapacitating illness of the preparer, or other catastrophic occurrence. ((Denial)) Failure to file requested information under such circumstances ((shall)) will not affect new applications filed after the denial. ((Following denial on such grounds and)) An applicant may reapply upon submission of a new application and an additional ((license fee, an applicant may reapply)) application deposit.

NEW SECTION

WAC 50-60-035 Interim licenses. In the director's discretion, the director may issue interim licenses, subject to such conditions as may be determined by the director, in regard to an application which satisfies the requirements of WAC 50-60-030 (a), (b), (c), (d)(i) through (iv), (d)(vii), (e), (f), (g), (h), (i), and (j). An interim license expires on the date indicated in the license, unless extended by the director.

AMENDATORY SECTION (Amending WSR 94-23-033, filed 11/8/94, effective 12/9/94)

- WAC 50-60-040 Experience((, education and testing)) requirements for licensing. (1) ((An applicant who has satisfactorily completed an approved course or courses of study and has passed an approved examination shall be judged to meet the [experience] [educational] requirements for licensing as expressed in RCW 19.146.210 (1)(e)[:][.]
- (2) An applicant who has two years of experience in the following eategories may apply to the director for a waiver of the requirement for completion of an approved course of study)) A designated broker or branch office manager may use the following experience to satisfy the residential mortgage loan industry experience requirements of RCW 19.146.210 (1)(e):
- (a) As a mortgage broker, or ((responsible individual in a mortgage brokerage business[,])) as a designated broker, or branch office manager, of a mortgage ((brokerage)) broker business;
- (b) As a mortgage banker, or ((responsible individual in a mortgage brokerage business)) as a designated broker, or branch manager, of a mortgage ((brokerage)) banking business:
- (c) As a loan officer, with responsibility primarily for loans secured by a lien ((interests)) on real estate;
- (d) As a branch manager of a lender, with responsibility primarily for loans secured by a lien ((interests)) on real estate.
- (e) As a mortgage broker with a mortgage broker (or similar) license from another state where the licensing standards ((of which the director determines to be)) are substantially similar to those in this state, as determined by the director.
- (((3) An applicant shall be deemed to have satisfactorily completed an approved course of study and passed an approved examination if the applicant has:
- (a) Attended at least 40 hours of class of an approved course of study, or such other period of class time as the director may deem adequate, and
- (b) Received a certificate of completion from the course provider, which certificate verifies the applicant's attendance in the course and the applicant's satisfactory performance on an approved examination.
- (4) Each licensee shall, upon or before the last business day of the calendar month in which their license was originally issued, submit to the director a certificate of completion from a course provider, which certificate verifies that a responsible party designated by the licensee and all of the licensee's branch managers have attended a seminar which was approved by the director and contained as its

eontent a presentation and discussion of relevant changes to the laws, regulations, and industry practices and ethics listed in WAC 50 60 045 (e)(i) through (x).)) (2) Satisfactory proof of two years of experience may include valid copies of W-2 or 1099 tax forms verifying employment for the two-year period, valid copies of form 1120 corporate tax returns for the two-year period signed by the broker or manager as owner of the business for the two-year period, or signed letters from a lender on the lender's letterhead verifying that the broker or manager has originated mortgage loans for the two-year period.

NEW SECTION

WAC 50-60-042 Continuing education requirement.

- (1) Annually, each licensee must satisfactorily complete an approved continuing education course. Each licensee must file annually a certificate of satisfactory completion of an approved continuing education course no later than the last business day of the month in which the anniversary date of the issuance of the licensee's license occurs.
- (2) This section applies to each licensee beginning on the first anniversary date of the issuance of the licensee's license which occurs after December 31, 1995.

AMENDATORY SECTION (Amending WSR 94-23-033, filed 11/8/94, effective 12/9/94)

- WAC 50-60-045 Approval of ((eourse providers,)) courses ((of study,)) and examinations. (1) ((An application to the director for approval of a course of study shall include the following items:)) In order to receive approval of a licensing or continuing education course, the course provider must file an application with the director, which includes the following items:
- (a) A description of the course provider's experience in teaching this type of course ((and administering this type of examination));
- (b) A complete listing of all instructors for the course, including their qualifications and experience teaching courses similar to this course;
- (c) A valid certification as a vocational instructor issued by the state of Washington;
- (d) In connection with approval of a licensing course all course materials and lesson plans on a session-by-session basis, which ((shall)) must cover at least the following subjects to be taught:
- (i) The Mortgage Broker Practices Act((, ehapter 19.146 RCW, and the rules promulgated pursuant to this act in chapter 50-60 WAC));
- (ii) The Consumer Protection Act((, chapter 19.86 RCW));
- (iii) The Escrow Agent Registration Act, chapter 18.44 RCW;
- (iv) The federal Real Estate Settlement Procedures Act, Truth in Lending Act, Equal Credit Opportunity Act, Fair Credit Reporting Act, Fair Housing Act, Home Mortgage Disclosure Act, and Community Reinvestment Act, and the regulations promulgated pursuant to these acts.
- (v) Trust account and recordkeeping requirements ((as defined in chapter 19.146 RCW and chapter 50-60 WAC)) provided in the Mortgage Broker Practices Act;

- (vi) Mortgage, deed of trust, and real estate contract ((law as provided)) statutes set forth in Title 61 RCW;
 - (vii) Washington principal and agent law;
- (viii) Real estate and appraisal law ((as provided for in)), including without limitation, the provisions of chapters 18.85 and 18.140 RCW;
- (ix) Arithmetical computations common to mortgage ((brokering)) lending including((, but not limited to)) without limitation, the computation of annual percentage rate, finance charge, amount financed, payment and amortization;
 - (x) Ethics in the mortgage industry; and
- (((d))) (e) In connection with a continuing education course, all course materials and lesson plans on a session-by-session basis, which cover all relevant changes to the laws and matters described in (d) of this subsection.
- (2) In order to receive approval of an examination, the examination administrator must file an application to the director, including the following items:
- (a) A description of the examination administrator's experience in administering this type of examination; and
- (b) A copy of any examinations to be used in determining satisfactory comprehension of the contents of the course and the grading scale to be used. Any new or revised examinations or grading scales to be used ((by a course provider shall)) must be submitted to the director for ((his or her)) approval prior to their use ((in the course of study)).
- (((2))) (3) The director shall review the ((items submitted to)) applications filed with the department and determine whether ((the provider,)) to approve or deny the proposed course ((of study, and the proposed)) or examination((s and grading scales are approved. Such approval shall before the period of two years and shall be confirmed through issuance of)). If the director approves the course or examination, the director shall issue a certificate of approval that will be effective for two years from the date of its issuance.
- (4) The director shall publish annually a list of approved courses and approved examinations.
- (5) A course provider or examination administrator that desires to renew the certificate of approval must apply to the director and file the items required in subsection (1) of this section no later than forty-five days before the certificate expires.
- (a) The director ((or his or her designee)) may audit ((a)) an approved course ((of study)) or examination at any time. If the ((director finds that a)) course ((of study is not approved, or if the)) provider ((of the course of study)) or examination administrator has not complied with the requirements of this section, the director may ((withhold or)) suspend or terminate approval ((of the course of study)) and require the ((return)) surrender of ((any)) the certificate of approval ((previously issued by the director)).
- (((3) Prior to expiration of its certificate of approval, each course provider that desires to maintain its approved status shall submit to the director the items required in paragraph (1) of this section to renew its certificate of approval.))

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-050 ((Aecess to)) Demand for criminal history information. (1) In regard to the principal or designated broker of an applicant for a license or a licensee, the director may obtain and review the criminal conviction record of the individual that is maintained by any federal, state or local law enforcement agency ((relating to:

(a) An applicant for a license under this article; or

(b) Any principal of a partnership, company, association or corporate applicant for a license under this article)). For this purpose, the director may require the applicant or licensee to provide completed fingerprint cards accepted by the Washington state patrol, recent photograph, and signed authorization for background investigation form provided by the department.

(((2) The director may refuse to grant a license or may suspend or revoke a license if the applicant, licensee, or any principal of a partnership, company, association or corporate applicant, fails to provide a complete set of fingerprints and a recent photograph on request.))

AMENDATORY SECTION (Amending WSR 94-23-033, filed 11/8/94, effective 12/9/94)

WAC 50-60-060 ((Application deposits, investigation fees, and annual assessment.)) Department's fees and assessments. (1) ((For each application for a Washington mortgage broker license, the director shall receive and there shall be paid to the director[,] prior to issuance of the license, an application deposit. Upon completion of processing and reviewing of the application, the department will prepare a billing, regardless of whether a license has been issued, calculated at the rate of \$35 per hour for each hour devoted to processing and reviewing the application. The application deposit will be applied against this bill. Any amount left owing to the department will be billed to the applicant, while any balance remaining from the deposit will be refunded to the applicant.

(2) Upon completion of any investigation or examination of any licensee, or of any mortgage broker subject to the investigatory and enforcement powers of the director under RCW 19.146.020(2), such person shall pay to the director an investigation charge to cover the cost of the investigation or examination. This investigation charge will be calculated at the rate of \$45 per hour for each hour devoted to the investigation or examination of the books and records of the mortgage broker. Those licensees issued licenses prior to March 21, 1994 shall be deemed to have prepaid in their initial license fee the cost of the first compliance examination conducted by the department during the licensee's first two years of operating under a mortgage broker license.

(3) Each licensee shall pay to the director each year, on or before the last business day of the calendar month in which their license was originally issued, [an annual assessment of \$500 for each mortgage broker license.])) Upon completion of processing and reviewing an application for a license or branch office certificate, the department will prepare a billing, regardless of whether a license has been issued, calculated at the rate of thirty-five dollars per hour that each staff person devoted to processing and reviewing the application. The application deposit will be applied

against this bill. Any amount left owing to the department will be billed to and paid promptly by the applicant, while any balance remaining from the deposit will be refunded promptly to the applicant.

(2) Upon completion of any examination of the books and records of a licensee, the department will furnish to the licensee a billing to cover the cost of the examination. The examination charge will be calculated at the rate of forty-five dollars per hour that each staff person devoted to the examination. The examination billing will be paid by the licensee promptly upon receipt. Licensees that were issued licenses prior to March 21, 1994, have prepaid in their initial license fee the cost of the first compliance examination of the licensee conducted by the department during the first two years after the date of issuance of the license.

(3) Each licensee shall pay to the director an annual assessment of five hundred dollars for each license, and five hundred dollars for each branch office certificate. The annual assessment(s) will be due no later than the last business day of the month in which the anniversary date of the issuance of the broker's license occurs.

(4) Upon completion of any investigation of the books and records of a mortgage broker, the department will furnish to the broker a billing to cover the cost of the investigation. The investigation charge will be calculated at the rate of forty-five dollars per hour that each staff person devoted to the investigation. The investigation billing will be paid by the mortgage broker promptly upon receipt.

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-070 Branch office application procedure. ((Application may be made for branch office licenses in a form specified by the director. However, the branch manager of each branch office must be a licensed mortgage broker, and therefore must complete a separate application for a mortgage broker license as required by WAC 50-60-030 if he or she is not already licensed. This will require surety bond or equivalent as described in RCW 19.146.205 (3)(a), (b), or (c).)) Each applicant for a license or licensee required to obtain a branch office certificate shall apply to the director by filing the following:

- (1) An application in the form prescribed by the director.
 - (2) The application deposit.
 - (3) In regard to each branch office manager:
- (a) Biographical information including complete and accurate employment history and a description of any material litigation involving the manager;
- (b) A signed authorization for background investigation on a form provided by the director;
- (c) A certificate of passing an approved examination; and
- (d) A certificate of satisfactory completion of an approved licensing course, or satisfactory proof of at least two years' experience in the residential mortgage loan industry in accordance with WAC 50-60-040.
- A different natural person must serve as manager for each branch office. A branch office application may be submitted simultaneously with a license application, however

no branch office certificate will be issued prior to the issuance of the license.

AMENDATORY SECTION (Amending WSR 94-23-033, filed 11/8/94, effective 12/9/94)

WAC 50-60-080 Surety bond ((for applicants engaging in the business of a mortgage broker)) and approved alternatives—General requirements. (1) ((Prior to licensing, an applicant for a mortgage broker license shall obtain and file with the director a surety bond along with a valid power of attorney issued by a bonding company or insurance company authorized to do business in this state. The surety bond amount required of each applicant, ranging from \$20,000 to \$60,000, will be determined by the monthly average number of loan originators employed or engaged by the applicant for the previous 12 months.

- (2) The monthly average number of loan originators employed or engaged by the applicant shall be calculated by adding up the number of loan originators employed or engaged each month (or part thereof) for the previous 12 months, and dividing this total by 12. If the applicant has been in business less than 12 months, the monthly average number of loan originators employed or engaged by the applicant will be calculated by adding the number of loan originators employed or engaged each-month (or part thereof) for the number of months the applicant has been in business and the projected number of loan originators to be employed each month (or part thereof) for the remaining months in the twelve month period, and dividing this total by twelve. If the applicant has no history of business, the monthly average number of loan originators will be determined by adding up the projected number of loan originators to be employed or engaged each month for the first twelve months during-which the applicant will do business, and dividing this total by twelve. The projected number of loan originators to be employed or engaged during the first twelve months during which the applicant will do business must reflect at least the actual number of originators at the inception of business.
- (3) Based upon the calculation of the monthly average number of loan originators employed or engaged by the applicant, the applicant shall maintain on file with the director a surety bond in an amount equal to or greater than that indicated by the following table:

Monthly Average	
Number of	Bond
Loan Originators	Amount
3 or fewer	\$20,000
greater than 3 to 6	\$30,000
greater than 6 to 9	\$40,000
greater than 9 to 15	\$50,000
greater than 15	\$60,000

(4) Each licensee shall maintain on file with the director a valid surety bond or approved alternative in an amount equal to or greater than the required amount. Each licensee shall calculate the monthly average number of loan originators it has employed or engaged over the previous twelve months at least once each year forty-five days prior to the anniversary date of its bond. If this calculation reveals that the monthly average number of loan originators has in-

- ereased by an amount which requires an increase in the licensee's surety bond amount, according to the surety bond amount table provided in this section, then the licensee shall obtain an increase in the amount of coverage on its surety bond to the required amount within thirty days of the date of the calculation.
- (5) Each-licensee shall maintain for a period of four years in an accessible location a worksheet of the calculation required in subsection (4) of this section.
- (6) Each licensee shall use the bond form, assignment of certificate of deposit form, or irrevocable letter of credit form approved by the director.)) Each applicant for a license and licensee must file and maintain on file with the director:
- (a) A surety bond in the required amount and related power of attorney issued by a bonding company or insurance company authorized to do business in this state; or
- (b) An approved alternative to a surety bond in the required amount in accordance with WAC 50-60-08001.
- The required amount of the surety bond or approved alternative ranges from twenty thousand dollars to sixty thousand dollars and is based on the applicant's or licensee's monthly average number of loan originators calculated in accordance with subsection (2) of this section. The surety bond or approved alternative is subject to claims in accordance with RCW 19.146.240.
- (2) The monthly average number of loan originators is calculated as follows:
- (a) If the applicant or licensee has not been in the mortgage broker business at any time during the preceding twelve months, the monthly average number of loan originators is determined by adding up the projected number of loan originators to be employed or engaged each month for the first twelve months during which the applicant or licensee will do business, and dividing this total by twelve. The projected number of loan originators must reflect at least the actual number of originators at the inception of business.
- (b) If the applicant or licensee has not been in the mortgage broker business at least some portion of each of the preceding twelve months, the monthly average number of loan originators is calculated by adding up the number of loan originators employed or engaged each month (or part thereof) for the number of months the applicant or licensee has been in business during the twelve-month period, and the projected number of loan originators to be employed or engaged each month for any additional months necessary to comprise a total of twelve months (or part thereof), and dividing this total by twelve.
- (c) Otherwise, the monthly average number of loan originators as calculated by adding up the number of loan originators employed or engaged each month (or part thereof) for the previous twelve months, and dividing this total by twelve.
- (3) Based upon the monthly average number of loan originators, the required surety bond amount is indicated by the following table:

Proposed [100]

Monthly Average	
Number of	Minimum Required
Loan Originators	Bond Amount
up to 3.0	\$20,000
more than 3.0, up to 6.0	<u>\$30,000</u>
more than 6.0, up to 9.0	\$40,000
more than 9.0, up to 15.0	\$50,000
more than 15.0	\$60,000

When calculating the required bond amount, an applicant or licensee shall use the worksheet form approved by the director.

- (4) At least forty-five days prior to each anniversary of the issuance of the surety bond or approved alternative, each licensee shall calculate its required bond amount in accordance with subsections (2) and (3) of this section. If the required surety bond amount has changed, then the licensee shall within thirty days of the date of the calculation, file a new surety bond or approved alternative in the required amount or file documentation showing a change in the amount of the existing bond or alternative to the required amount.
- (5) Each licensee shall use the bond form, assignment of certificate of deposit form, or irrevocable letter of credit form approved by the director.

NEW SECTION

WAC 50-60-08001 Alternatives to the surety bond.
(1) In lieu of a surety bond, an applicant for a license or licensee may with the approval of the director:

- (a) File with the director an assignment of a certificate of deposit in the required surety bond amount, drawn in favor of the director. The depositor shall be entitled to receive all interest and dividends on the certificate of deposit.
- (b) File with the director an irrevocable letter of credit in the required surety bond amount and drawn in favor of the director. The letter of credit must provide the same measure of protection as a surety bond provides to consumers and others who may have reason to make claim on the instrument. This means, in part, that the letter of credit must be available under its terms for one year after its expiration or suspension to pay claims arising out of violations while it was in effect. The letter of credit must be issued by a financial institution approved by the director. The licensee and the financial institution that issued the letter of credit must notify the director within two business days of any suspension, expiration, or material change in the protection provided by the letter of credit.
- (2) A licensee may request in writing that an assignment of a certificate of deposit or a letter of credit be released. The director may release the assignment or letter of credit when a sufficient period of time has passed, not to exceed one year after filing a surety bond or approved alternative, or after the licensee has ceased business to allow for claims to be presented against the certificate of deposit or letter of credit.

To ensure protection for consumers and others, the director may require that the licensee file with the director, prior to the release of the assignment or letter of credit:

- (a) A surety bond or an approved alternative, in the required amount, if the licensee intends to continue in the mortgage broker business under its license;
- (b) All of the licensee's licenses and branch office certificates, if the licensee intends to no longer engage in the mortgage broker business, or if the licensee intends to continue in the business but has become exempt from licensing under the Mortgage Broker Practices Act. In the latter case, the director may also require the licensee to provide proof of exemption from licensing;
- (c) Copies of any agreements between the licensee and the financial institutions that issued the certificate of deposit or letter of credit;
- (d) Copies of any agreements between the licensee and any third party which represents an outstanding claim, potential claim, or settlement of any claim against the licensee which could diminish the protection enjoyed by consumers or others that may have reason to make a claim against the licensee;
- (e) An audited financial statement for the licensee's mortgage broker business;
- (f) Copies of any notes, secured or unsecured, or other forms of debt that are outstanding to any parties not mentioned in (a) through (e) of this subsection; and
- (g) Any other information the director may deem necessary under the circumstances.

PART D TRUST ACCOUNTS AND ACCOUNTING REOUIREMENTS

NEW SECTION

WAC 50-60-08002 Establishment of trust account for borrower funds to pay third-party providers. Each mortgage broker shall as trustee hold all funds received from borrowers for payment to third-party providers. The funds may not be used for the benefit of the mortgage broker or any person not entitled to such benefit, except as may be expressly permitted by the Mortgage Broker Practices Act. Each mortgage broker shall establish a trust account(s) for the funds in a financial institution's branch located in this state. Each mortgage broker is responsible for depositing, holding, disbursing, accounting for, and otherwise dealing with the funds, in accordance with the act.

NEW SECTION

WAC 50-60-08003 Designation of trust account(s). Each account holding borrower funds to pay third-party providers must be designated as a trust account in the name of the mortgage broker as it appears on its license, or if exempt from licensing, in the name of the exempt broker. All checks must be prenumbered by the supplier (printer) and bear upon the front of the check the identifying words, "trust account." Any interest earned on a borrower's subaccount shall be refunded or credited to the borrower either at closing or upon withdrawal or denial of the borrower's loan application.

NEW SECTION

WAC 50-60-08004 Required trust account records and procedures. Each mortgage broker shall establish and maintain a system of records and procedures for trust accounts as provided in the Mortgage Broker Practices Act. Any alternative records or procedures proposed for use by the mortgage broker shall be approved in advance by the director or his or her designee.

Each mortgage broker shall maintain as part of its books and records:

- (1) A trust account deposit register and copies of all validated deposit slips or signed deposit receipts for each deposit to the trust account;
- (2) A ledger for each trust account. Each ledger must contain a separate subaccount ledger sheet for each borrower from whom funds are received for payment of third-party providers. Each receipt and disbursement pertaining to such funds must be posted to the ledger sheet at the time the receipt or disbursement occurs. Entries to each ledger sheet must show the date of deposit, identifying check or instrument number, amount and name of remitter. Offsetting entries to each ledger sheet must show the date of check, check number, amount of check, name of payee and invoice number if any. Canceled or closed ledger sheets must be identified by time period and borrower name or loan number;
- (3) A trust account check register consisting of a record of all deposits to and disbursements from the trust account;
 - (4) Reconciled trust account bank statements;
- (5) A monthly trial balance of the ledger of trust accounts, and a reconciliation of the ledger of trust accounts with the related bank statement(s) and the related check register(s).

The reconciled balance of the trust account(s) must at all times equal the sum of:

- (a) The outstanding amount of funds received from borrowers for payment of third-party providers; and
- (b) The amount of any deposits into the trust fund of the mortgage broker's own funds in accordance with WAC 50-60-08005(4).

NEW SECTION

WAC 50-60-08005 Trust account deposit requirements. (1) All funds received from borrowers or on behalf of borrowers for the payment of third-party providers, whether specifically identified as such or not, and regardless of when they are received must be deposited in the trust account(s) prior to the end of the next banking day following receipt. In order to satisfy this requirement in regard to the deposit of a check or money order, the mortgage broker must within one banking day after receipt of the check or money order:

- (a) Endorse the check "for deposit only" with the broker's trust account number and mail the check postage prepaid to its financial institution; or
- (b) Deposit the check into its trust account by depositing it directly at the branch where its trust account is held or at an ATM of its financial institution.
- (2) All deposits to the trust account(s) must be documented by a bank deposit slip which has been validated by bank imprint, or by an attached deposit receipt which bears

the signature of an authorized representative of the mortgage broker indicating that the funds were actually deposited into the proper account(s).

- (3) Receipt of funds by wire transfer or any means other than cash, check, or money order, must be posted in the same manner as other receipts. Any such transfer of funds must include a traceable identifying name or number supplied by the financial institution or transferring entity. The mortgage broker must also retain a receipt for the deposit of the funds which must contain the traceable identifying name or number supplied by the financial institution or transferring entity.
- (4) Deposits to the trust account(s) must be limited to funds delivered to the mortgage broker for payment to third-party providers, except a mortgage broker may deposit its own funds into the trust account(s) to prevent a disbursement in excess of an individual borrower's subaccount, provided that the exact sum of deficiency is deposited and detailed records of the deposit and its purpose are maintained in the trust ledger and the trust account(s) check register. Any deposits of the mortgage broker's own funds into the trust account(s) must be held in trust in the same manner as funds paid by borrowers for the payment of third-party providers and treated accordingly in compliance with the Mortgage Broker Practices Act.

If a mortgage broker has deposited its own funds into its trust account, the mortgage broker may receive reimbursement for such deposit at closing into its general business banking account provided:

- (a) All third-party provider's charges associated with the mortgage broker's deposit have been paid;
- (b) The HUD 1 Settlement Statement provided to the borrower clearly reflects the line item, "deposit paid by broker," and the amount deposited;
- (c) The HUD 1 Settlement Statement provided to the borrower clearly reflects the line item, "reimbursement to broker for funds advances," and the amount reimbursed; and
- (d) Any funds disbursed by escrow at closing to the mortgage broker for payment of unpaid third-party providers' expenses charged or to be charged to the mortgage broker are deposited into the borrower's subaccount of the mortgage broker's trust account.

NEW SECTION

WAC 50-60-08006 Trust account disbursement requirements. (1) Each mortgage broker is responsible for the disbursement of all trust account funds, whether disbursed by personal signature, signature plate, or signature of another person authorized to act on the mortgage broker's behalf.

- (2) All disbursements of trust funds must be made by check, drawn on the trust account, and identified on the check as pertaining to a specific third-party provider transaction or borrower refund, except as specified in this section. The number of each check, amount, date, and payee must be shown in the trust account(s) check ledger as written on the check.
- (3) Disbursements may be made from the trust account(s) for the payment of bona fide third-party providers' services rendered in the course of the borrower's loan origination, if the borrower has consented in writing to the

payment. Such consent may be given at any time during the application process and in any written form, provided that it contains sufficient detail to verify the borrower's consent to the use of trust funds. No disbursement on behalf of the borrower may be made from the trust account until the borrower's or broker's deposit of sufficient funds into the trust account(s) is available for withdrawal.

- (4) If a borrower has more than one loan application pending with a mortgage broker, the mortgage broker shall maintain a separate subaccount ledger for each loan application. The borrower must consent to any transfer of trust account funds between the individual subaccounts associated with these pending loan applications. The consent must be maintained in the borrower's loan file and referenced in the borrower's subaccount ledger sheets.
- (5) Among other prohibited disbursements, no disbursement may be made from a borrower's subaccount:
- (a) In excess of the amount held in the borrower's subaccount (commonly referred to as a disbursement in excess);
- (b) In payment of a fee owed to any employee of the mortgage broker or in payment of any business expense of the mortgage broker;
- (c) For payment of any service charges related to the management or administration of the trust account(s);
- (d) For payment of any fees owed to the mortgage broker by the borrower, or to transfer funds from the subaccount to any other account; and
- (e) For the payment of fees owed to the broker under RCW 19.146.070 (2)(a).
- (6) A mortgage broker may, in the case of a closed and funded transaction, transfer excess funds remaining in the individual borrower's subaccount into the mortgage broker's general business bank account upon determination that all third-party providers' expenses have been accurately reported in the loan closing documents and have been paid in full, and that the borrower has received credit in the loan closing documents for all funds deposited in the trust account, in which case such excess funds are no longer trust funds.

Each mortgage broker shall maintain a detailed audit trail for any disbursements from the borrower's subaccount(s) into the mortgage broker's general business bank account, including documentation in the form of a final HUD-1 Settlement Statement form showing that credit has been received by the borrower in the closing and funding of the transaction. The disbursements must be made by a check drawn on the trust account and deposited directly into the mortgage broker's general business bank account.

- (7) Borrower funds held by the mortgage broker must be remitted to the borrower within five business days of the determination that all payments to third-party providers owed by the borrower have been satisfied.
- (8) Any trust funds held by the mortgage broker for a borrower who cannot be located must be remitted in compliance with the Uniform Unclaimed Property Act of 1983, chapter 63.29 RCW.

NEW SECTION

WAC 50-60-08007 Manual and computerized accounting system requirements. The following requirements apply to manual and computerized accounting systems:

- (1) The system must provide the capability to back-up data files;
- (2) Each computer generated trust account deposit register, trust account check register, and each trial balance ledger must be printed at least once per month and retained as part of a mortgage broker's books and records. Each borrower subaccount ledger must also be printed at the closure of each subaccount and retained as part of a mortgage broker's books and records;
- (3) Computer generated reconciliations of the trust account, as described in WAC 50-60-08004(5), must be performed and printed at least once each month and retained as a part of a mortgage broker's books and records; and
- (4) Each mortgage broker must maintain a printed and dated source document file to support any changes to existing accounting records.

NEW SECTION

WAC 50-60-08008 Automated check writing systems. If a mortgage broker uses a program which has the ability to write checks:

- (1) The check number must be pre-printed by the supplier (printer) on the check and on the voucher copy;
- (2) The program may assign suffixes or subaccount codes before or after the check number for identification purposes;
- (3) The check number must appear in the magnetic coding which also identifies the account number for readability by financial institution computers;
- (4) All checks written must be included within the computer accounting system.

PART E OUT-OF-STATE LICENSEES

NEW SECTION

WAC 50-60-09001 Registered agent and agent's office. (1) Each out-of-state applicant or licensee must continuously maintain in this state a registered agent for service of process, notice, or demand in any judicial or administrative noncriminal suit, action, or proceeding against the licensee which arises under the Mortgage Broker Practices Act, with the same force and validity as if served personally on the licensee.

(2) Each out-of-state applicant or licensee must file with the director the agent's name, office mailing address, and consent to appointment. The agent's office address must include the number, if any, and street or building address or rural route, or, if a commonly known street or rural route address does not exist, a legal description. A registered agent's office may not be identified in the records of the department by post office box number, or a street address and box number of a private mail box company which creates the illusion of a physical office location where none in fact exists, or other nongeographic address. The address

must accurately identify the actual location of the agent's office.

(3) An out-of-state applicant or licensee may not appoint a registered agent without the agent's prior written consent. In the event any person has been appointed agent without consent, that person may file a notarized statement attesting to that fact, and the agent's name will promptly be removed from the records of the department.

NEW SECTION

WAC 50-60-09002 Change of registered agent or agent's office. An out-of-state licensee may change its registered agent or its agent's office mailing address on the records of the department by delivering to the director a statement of change that sets forth:

- (1) The licensee's name;
- (2) If the agent's office location is to be changed, the address of the agent's new office in accordance with WAC 50-60-09001(2):
- (3) If the registered agent is to be changed, the name and new address of the new registered agent in accordance with WAC 50-60-09001(2) and the new agent's written consent to the appointment.

NEW SECTION

WAC 50-60-09003 Resignation of registered agent. (1) A registered agent may resign as agent on the records of the department by signing and filing with the director a statement of resignation.

- (2) After filing the statement, the director shall mail a copy of the statement to the licensee at its principal place of business.
- (3) The agency appointment is terminated on the day after the date on which the statement was filed.

NEW SECTION

- WAC 50-60-09004 Service on licensee. (1) The registered agent of an out-of-state licensee is the licensee's agent for service of process, notice, or demand as set forth in WAC 50-60-09001(1).
- (2) The director shall be an agent of an out-of-state licensee upon whom any process, notice, or demand may be served if:
- (a) The licensee fails to appoint or maintain continuously a registered agent in this state; or
- (b) The registered agent cannot with reasonable diligence be found at its office address as indicated on the records of the department.
- (3) Service on the director of any such process, notice, or demand must be made by delivering to and leaving with the director, or with an assistant director, the process, notice, or demand. In the event any such process, notice, or demand is served on the director, the director shall immediately cause a copy of it to be forwarded by certified mail, addressed to the licensee at the licensee's address as shown on the records of the department. Any service on the director must be returnable in not less than thirty days.

PART F ASSOCIATIONS

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-100 License standards for associations. ((Since all members of an association are legally responsible for actions of an association, all members of an association must complete an application for licensing and must meet the criteria for licensing as set forth in chapter 19.146 RCW and chapter 50-60 WAC:)) A mortgage broker that is a member of an association and that is required to have a license may not avoid the licensing requirement because the association has applied for or received a license.

PART G TRANSFERS BY LICENSEES

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-110 ((Sale, transfer, or change of control)) Transfers by, or changes in principal or designated broker of, a ((licensed mortgage broker agency or business)) licensee. (1) A ((Washington state mortgage broker)) license is not transferable ((or assignable)) by operation of law or otherwise.

- (2) Whenever a licensee ((who is a sole proprietorship intends to sell or otherwise transfer their interest in a licensed mortgage broker company or business, the seller (transferor) and buyer (transferee) will insure that there is incorporated within the body of the sale agreement or document of transfer appropriate clauses that set forth provisions relative to the following)) contemplates a transfer involving all or substantially all of its assets or a merger where it is not the surviving entity, the licensee shall provide written notice to the director at least thirty days prior to the effective date of the transfer or merger. This notice must include a copy of the signed agreement between the parties which provides in part:
- (a) <u>A stipulation</u> that the ((buyer-())transferee(())) is responsible for obtaining a ((valid Washington state mortgage broker)) license prior to completion of the ((sale or)) transfer((-));
- (b) A stipulation that the ((buyer ())transferee(() is responsible for obtaining the appropriate)) shall obtain a surety bond((7)) or ((acceptable)) approved alternative, in the required amount, and ((filing such)) file the surety bond or ((acceptable)) approved alternative with the director prior to completion of the ((sale or)) transfer((-));
- (c) ((Clear assignment of the responsibility for)) A stipulation indicating which of the parties shall:
- (i) Make all payments due to customers and third-party ((service)) providers on or before the effective date of the ((sale to either the seller (transferor) or the buyer (transferee).)) transfer;
- (((d) Clear assignment of the responsibility for maintaining and preserving)) (ii) Maintain and preserve the accounting and other records as required by RCW 19.146.060 and WAC 50-60-125 and 50-60-140 ((to either the seller (transferor) or the buyer (transferoe).));

- (((e))) (iii) Provide notice of the transfer to all of the licensee's clients who have loan applications in process, or who have deposited funds with the licensee, or who have executed some other form of written agreement with the licensee; and
- (iv) Provide notice to all third-party providers for whom the licensee is holding deposits from borrowers to pay their fees; and
- (d) A stipulation that the ((buyer ())transferee(())) is either restricted from using or ((is)) authorized to use, the ((seller's (transferor's))) licensee's mortgage broker business name
- (((f) Clear assignment of the responsibility to either the buyer (transferee) or seller (transferor) for providing notification of the sale or transfer to all of the seller's (transferor's) elients with loan applications currently in process, or who have deposited funds with the seller (transferor), or who have executed some other form of written agreement with the seller (transferor). The agreement shall also indicate which party is responsible for notifying all third party service providers for whom the seller or transferor is holding deposits from borrowers to pay fees for their services.
- (3) Whenever a licensee that is a partnership or corporation intends to sell or otherwise transfer a controlling interest in a licensed mortgage broker company or business, the seller (transferor) and buyer (transferee) will insure that there is incorporated within the body of the sale agreement or document of transfer appropriate clauses that set forth provisions relative to the following:
- (a) Stipulation that the buyer (transferee) is responsible for obtaining a valid Washington state mortgage broker license prior to completion of the sale or transfer.
- (b) Stipulation that the buyer (transferce) is responsible for obtaining the appropriate surety bond, or acceptable alternative, and filing such surety bond or acceptable alternative with the director prior to completion of the sale or transfer.
- (e) Clear assignment of the responsibility for all payments due to customers and third-party service providers on or before the effective date of the sale to either the seller (transferor) or the buyer (transferoe).
- (d) Clear assignment of the responsibility for maintaining and preserving the accounting and other records as required by RCW 19.146.060 and WAC 50 60 140 to either the seller (transferor) or the buyer (transferoe).
- (e) Stipulation that the buyer (transferee) is restricted from or is authorized to use the seller's (transferor's) mortgage broker business name.
- (f) Clear assignment of the responsibility to either the buyer (transferee) or seller (transferor) for providing notification of the sale or transfer to all of the seller's (transferor's) elients with loan applications currently in process, or who have deposited funds with the seller (transferor), or who have executed some other form of written agreement with the seller (transferor). The agreement shall also indicate which party is responsible for notifying all third party service providers for whom the seller or transferor is holding deposits from borrowers to pay fees for their services.
- (4) Whenever there is a change in a principal of a licensee that is a corporation or partnership, the licensee must provide the director with all information required of a principal when an application is made for a mortgage

brokers license as specified in WAC 50-60-030. The director shall make a determination, prior to completion of the sale, whether the proposed new principal in the licensee meets the requirements which must be met to be licensed as a mortgage broker as specified in RCW 19.146.210.)) (3) At least thirty days prior to a change in a principal or designated broker of a licensee, the licensee shall provide the director with all information required of a principal or designated broker when an application is made for a license as specified in WAC 50-60-030. The director shall make a determination prior to completion of the change, whether the proposed new principal or designated broker meets the requirements which must be met in order for the mortgage broker to be issued a license in accordance with RCW 19.146.210, and approve or deny the change.

PART H EMPLOYEES AND INDEPENDENT CONTRACTORS OF LICENSEES

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-120 Employees and independent contractors of ((licensed mortgage broker)) licensees. RCW 19.146.200 prohibits a person from engaging in the business of a mortgage broker without first obtaining and maintaining a ((mortgage broker)) license, except as an employee or independent contractor of a licensee or person ((licensed or)) exempt from licensing. ((For the purpose of licensing of mortgage brokers, an employee is defined as any individual who has an employee and the licensee, where the individual is treated as an employee by the licensee for purposes of compliance with federal income tax laws.))

PART I RECORDKEEPING REQUIREMENTS

NEW SECTION

WAC 50-60-125 Recordkeeping and other requirements for advertising materials. (1) Each mortgage broker shall maintain as a part of its books and records one copy of each item of all advertising material which mentions rates of fees. However an advertising flyer which satisfies the following criteria is exempt from this subsection:

- (a) The flyer is prepared by mortgage brokers for specific use by real estate professionals to provide information to consumers and to offer comparisons of the financing options available to consumers;
- (b) The flyer complies with all advertising requirements of the Mortgage Broker Practices Act, including without limit, the requirements of the Truth in Lending Act;
- (c) The flyer provides full disclosure of rates, fees, and terms, including the annual percentage rate of any loan used for illustrative purposes; and
 - (d) The flyer contains the following disclosure:

"This document is not intended as an offer to extend credit nor a commitment to lend. The loan interest rates, fees, and terms presented herein are for illustrative purposes only and may not be currently available. This document has been prepared to assist real estate professionals in illustrating some of the financing options available to consumers."

(2) Each mortgage broker is responsible for the accuracy and reliability of its advertising material and its compliance with the Mortgage Broker Practices Act.

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-130 Disclosures required to borrower.

(1) Any form of disclosures required by RCW 19.146.030
(1), (2)(c), (d), (e), and (f) ((shall)) must be ((made in the form approved by)) acceptable to the director.

(2) Any lock-in agreement form or disclosure form described in RCW 19.146.030 (2)(c) must be approved by the director prior to its use by a mortgage broker or its loan originators. This subsection does not apply to use of a model form promulgated by the director.

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-140 General recordkeeping requirements. (1) Each mortgage broker ((required to be licensed by chapter 468, Laws of 1993,)) shall retain its books and records for a minimum of four years after the effective period to which the books and records relate. Books and records relating to a specific loan application must be maintained for a minimum of four years after a loan application is received. These books and records must be retained in all cases where a loan application has been received, any deposits or fees associated with a mortgage application have been accepted, or any written agreement has been executed. All books and records must be kept in a location in this state that is readily accessible to the department.

- (2) A mortgage broker may store its books and records outside the state with the prior approval of the director, and after executing a written agreement with the director:
- (a) To provide access to its books and records to investigate complaints against the mortgage broker; and
- (b) To pay the department's travel, lodging and per diem expenses incurred in travel to examine books and records stored out-of-state.
- (3) Books and records include without limitation: The original contracts for the broker's compensation, an accounting of all funds received in connection with ((the)) loans, a copy of the settlement statements as provided to ((the)) borrowers ((if the loan closed)), a record of any fees refunded to ((the)) applicants ((if the)) for loans that did not close, copies of the good faith estimates and all other written disclosures, and all other correspondence, papers or records relating to ((the)) loan applications ((for a minimum of six years after a mortgage application is received. These records shall be retained in all cases where a mortgage application has been received, any deposits or fees associated with a mortgage application have been accepted, or any written agreement has been executed)).
- (4) If a borrower is unable to obtain a loan for any reason and the borrower has paid the mortgage broker for an appraisal, title report, or credit report, the borrower may request in writing that the mortgage broker mail (or otherwise furnish) a copy of the appraisal, title report or credit report to the borrower and mail (or otherwise furnish) the

originals to any other mortgage broker or lender of the borrower's choice. By furnishing the originals to another mortgage broker or lender, the mortgage broker conveys the right to use the documents to the other broker or lender. The copies and originals must be furnished by the mortgage broker within five days after the mortgage broker has received the borrower's written request.

PART J SIGNIFICANT AND ADVERSE DEVELOPMENTS AFFECTING LICENSEES

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-150 Disclosure of significant developments. (1) A licensee ((shall be required to)) must notify the director in writing within thirty days ((of)) after the occurrence of any of the following ((significant)) developments:

- (a) Licensee's filing for bankruptcy or reorganization.
- (b) Receipt of notification of license revocation procedures in any state against the licensee.
- (c) The filing of a felony indictment or information related to mortgage brokering activities of the licensee, or any officer, director, or principal of the licensee.
- (d) ((A)) The licensee, or any officer, director, or principal of the licensee being convicted of a felony.
- (e) <u>Receipt of notification of cancellation of the licensee's surety bond ((as required for licensing)) or approved alternative, or any significant decline in value of ((any)) an approved alternative ((to the surety bond)) held by the director.</u>
- (f) The filing of any material litigation against the licensee.
- (((g) A sale, transfer, or change of control of a licensed mortgage broker agency or business.))
- (2) A licensee ((shall be required to)) must notify the director in writing ten days prior to a change of ((business)) the location of the licensee's principal place of business in any of its branch offices.
- (3) A licensee must notify the director in writing within five days after a change in the licensee's:
- (a) Name or legal status (e.g., from sole proprietor to corporation, etc.);
 - (b) Mailing address or telephone number;
 - (c) President, partner, or branch manager;
- (d) Trust account (e.g., change in the status, location, or account number);
 - (e) State master business license; or
- (f) Standing with the state of Washington secretary of state.

AMENDATORY SECTION (Amending WSR 94-03-009, filed 1/7/94, effective 2/7/94)

WAC 50-60-160 License <u>application</u> denial <u>or</u> <u>condition</u>; license <u>suspension or revocation</u>. (1) The director may deny((7)) <u>or condition approval of a license application</u>, or suspend or ((condition)) <u>revoke</u> a license if the <u>applicant or licensee</u>, <u>or any principal or designated broker</u> of ((any corporate or partnership)) the <u>applicant or licensee</u>((7, or the owner if the <u>applicant is unincorporated</u>)):

- (a) Has ((not paid the required license fee)) failed to pay a fee due to the state in accordance with the Mortgage Broker Practices Act;
- (b) Has not ((posted)) filed the required surety bond or approved alternative or otherwise complied with RCW 19.146.205;
- (c) Has had any license ((issued under chapter 468, Laws of 1993)), or any authorization to do business under any similar statute of this or any other state suspended, revoked, or restricted within the prior five years ((of the filing of the present application));
- (d) Has within the prior seven years been convicted of a felony ((within seven years of the filing of this application)), or a gross misdemeanor involving dishonesty or financial misconduct;
- (e) Has failed to demonstrate financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a belief that the business will be operated honestly, fairly, and efficiently within the purposes of ((this chapter)) the Mortgage Broker Practices Act. The director may find that the person has failed to make the demonstration if, among other things, the person:
- (i) Is or has been subject to an injunction issued pursuant to the Mortgage Broker Practices Act or the Consumer Protection Act; or
- (ii) Has had an independent credit report issued by a recognized credit reporting agency that indicates a substantial history of unpaid debts;
- (f) Has <u>omitted</u>, misrepresented, or concealed material facts in obtaining a ((mortgage brokers)) license or in obtaining reinstatement thereof;
- (g) Has violated the provisions of the Mortgage Broker Practices Act((, the rules promulgated pursuant to that act)), or the Consumer Protection Act;
- (h) Has had ((the)) its surety bond ((required for licensure)), approved alternative, or equivalent form of business insurance, canceled or revoked for cause;
- (i) Has allowed the licensed mortgage ((brokerage)) broker business to deteriorate into a condition which would result in denial of a new application for a license;
- (j) Has aided or abetted an unlicensed person to practice ((if a license is required)) in violation of the Mortgage Broker Practices Act;
- (k) Has demonstrated incompetence or negligence that results in injury to a person or that creates an unreasonable risk that a person may be harmed;
- (1) Is insolvent in the sense that the value of the applicant's or licensee's liabilities exceed ((their)) its assets or in the sense that the applicant or licensee cannot meet ((their)) its obligations as they mature;
- (m) Has failed to comply with an order ((issued by)), directive, or requirement of the director, or his or her designee, or with an assurance of discontinuance entered into with the director, or his or her designee;
- (n) Has performed an act of misrepresentation or fraud in any aspect ((or)) of the conduct of the mortgage ((brokerage)) broker business or profession;
- (o) Has failed to cooperate with the director, or his or her designee, by:
- (i) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an

- investigation for disciplinary actions or denial, suspension, or revocation of a license ((under this chapter));
- (ii) Not furnishing any necessary papers or documents requested by the director for purposes of conducting an investigation into a complaint against the licensee filed with the department, or providing a full and complete written explanation of the circumstances of the complaint upon request by the director; or
- (iii) Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the accused in the proceeding; ((of))
- (p) Has interfered with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's ((authorized)) designee, or by the use of threats or harassment against a client, witness, employee of the licensee, or ((authorized)) representative of the director for the purpose of preventing them from discovering evidence for, or providing evidence in, any disciplinary proceeding or other legal action;
- (q) Has failed to provide a required certificate of passing an approved examination;
- (r) Has failed to provide a required certificate of satisfactory completion of an approved licensing course or, in the alternative, satisfactory proof of two years' experience in the residential mortgage loan industry in accordance with RCW 19.146.210(e); or
- (s) Has failed to provide a required certificate of satisfactory completion of an approved continuing education course.
- (2) ((The director may deny, suspend or condition a license if the owner, if the applicant is a sole proprietorship; the general partner(s), if the applicant is a partnership; or the chief executive officer, if the applicant is a corporation; does not have the required two years of experience in the residential mortgage loan industry as defined in WAC 50-60-040.
- (3) The director may not issue a license if he or she finds that the applicant, or any person who is a director, officer or principal of the applicant, has within the previous seven years been convicted of a felony in any jurisdiction or of a crime which, if committed within this state, would constitute a felony under the laws of this state. For the purposes of this rule, a person shall-be deemed to have been convicted of a crime if such person shall have pleaded guilty or no contest or nolo contendere or stipulated to facts sufficient to justify a finding of guilt to a charge thereof before a court or federal magistrate, or shall have been found guilty thereof by the decision or judgment of a court or federal magistrate or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof, unless such pleas of guilty, or such decision, judgment, or verdict, shall have been set aside, reversed, or otherwise abrogated by lawful judicial process or unless the person convicted of the crime shall have received a pardon therefore from the President of the United States or the governor or other pardoning authority in the jurisdiction where the conviction was had, or shall have received a certificate of good conduct granted by the state board of pardons and paroles pursuant to the provisions of the executive law-to remove the disability under this subsection because of such eonviction.
- (4) The director may find that a person has failed to demonstrate financial responsibility, character and general

fitness such as to warrant a belief that the business will be operated honestly, fairly and efficiently within the purposes of chapter 468, Laws of 1993, whenever:

- (a) The person is or has been subject to an injunction issued pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act, or rules promulgated thereunder, or chapter 19.86 RCW, the Consumer Protection Act;
- (b) The person has had a license to engage in a similar business suspended or revoked within the previous seven years by any local, state or federal agency within the United States, and that license has not been reinstated without restriction;
- (c) The person has had a surety bond or an equivalent form of business insurance canceled or revoked for cause in the previous two years;
- (d) The person is a defendant in pending material litigation;
- (e) The person's independent credit report issued by a recognized credit reporting agency indicates a substantial history of unpaid debts;
- (f) The applicant is insolvent in the sense that the value of the applicant's liabilities exceed the value of their assets, or in the sense that the applicant cannot meet their obligations as they mature;
- (g) The person has not demonstrated an acceptable level of knowledge of all laws and regulations applicable to the business of mortgage brokering through compliance with the experience and educational requirements set forth in WAC 50-60-040; or
- (h) The applicant has violated the requirements of the Mortgage Brokers Practices Act, the rules promulgated pursuant to that act, or the Consumer Protection Act.)) The director may deny or condition approval of a branch office application, or suspend or revoke a branch office certificate, if the branch office manager has failed to provide any required items described in subsection (1)(q) through (s) of this section.

PART K FINES AND PENALTIES

AMENDATORY SECTION (Amending WSR 94-23-033, filed 11/8/94, effective 12/9/94)

WAC 50-60-165 ((Violations—Penalties and)) Fines and penalties for violation of the Mortgage Broker <u>Practices Act.</u> ((Every)) Each mortgage broker and ((their)) its principals, designated brokers, officers, employees, independent contractors, and agents shall comply with ((chapter 19:146 RCW and all rules and regulations issued thereunder. The)) the applicable provisions of the Mortgage Broker Practices Act. Each violation of any applicable provision of ((ehapter 19.146 RCW, or any rule issued thereunder)) the Mortgage Broker Practices Act, or of any order, directive, or requirement of the director ((shall)) may, at the discretion of the director, subject the violator to a fine of ((\$100)) up to one hundred dollars for each offense. Each day's continuance of the violation ((shall be)) is a separate and distinct offense. In addition, the director in his or her discretion may by order assess other penalties for a violation of the Mortgage Broker Practices Act.

NEW SECTION

WAC 50-60-190 Prohibited practices—Improperly influencing appraisals. Any threat, whether oral or written, direct or implied, by a mortgage broker to withhold payment of the standard appraiser's fee constitutes the making a payment for the purpose of influencing the independent judgment of the appraiser with respect to the value of the property, in violation of RCW 19.146.0201(9). The prior sentence does not apply if the appraiser has been notified in writing by the mortgage broker that a bona fide dispute exists regarding the performance or quality of the appraiser's work.

PART L MORTGAGE BROKER FEES

NEW SECTION

WAC 50-60-200 Mortgage broker fees allowed. (1) Except as otherwise permitted in this section, a mortgage broker may not receive a fee, commission, or compensation of any kind in connection with the preparation, negotiation, and brokering of a residential mortgage loan unless the borrower actually obtains a loan from a lender on the terms and conditions agreed upon by the borrower and the mortgage broker.

- (2) A mortgage broker may:
- (a) Charge a fee not to exceed three hundred dollars for services rendered, preparation of documents, or transfer of documents in the borrower's file if:
- (i) The borrower fails to close on a loan through no fault of the mortgage broker;
- (ii) The fee is not otherwise prohibited by the Truth in Lending Act; and
- (iii) The mortgage broker has obtained a "written loan commitment from a lender on the same terms and conditions agreed upon by the borrower and the mortgage broker." This term is defined in subsection (3) of this section; and
- (b) Solicit or accept fees in advance to pay third-party providers if:
- (i) The mortgage broker identifies to the borrower in writing prior to the acceptance of any fees the third-party provider goods and services for which fees are being collected;
- (ii) Such fees are deposited in a trust account as required by the Mortgage Broker Practices Act;
- (iii) The mortgage broker does not charge more for the third-party provider's goods and services than the actual costs of the goods and services charged by the provider; and
- (iv) The mortgage broker refunds any fees collected for goods or services not provided.
- (3) For purposes of this section, a "written loan commitment from a lender on the same terms and conditions agreed upon by the borrower and mortgage broker" means:
 - (a) A legally binding commitment;
- (b) From a lender with which the mortgage broker maintains a written correspondent or loan brokerage agreement as required by RCW 19.146.040(2);
- (c) To fund the loan on substantially the same terms and conditions set forth in the most recent good faith estimate signed by both the borrower and the mortgage broker.

PART M MORTGAGE BROKERAGE COMMISSION

NEW SECTION

WAC 50-60-210 Mortgage brokerage commission. The mortgage brokerage commission, created by RCW 19.146.280 and appointed by the director, shall:

(1) Adopt and meet according to a regular schedule, unless otherwise called by the chairperson;

(2) Meet, hear testimony, and advise the director on

proposed changes to the Mortgage Broker Practices Act;
(3) Advise the director on approval of proposed courses of study and examinations to be administered in the course

of licensing mortgage brokers;
(4) Advise the director on preparation of the department's legislatively mandated review of the number and type of consumer complaints arising from residential mortgage lending in the state, and any resulting recommendations for changes in the licensing requirements of the Mortgage Broker Practices Act; and

(5) Advise the director on departmental policy and procedures regarding enforcement actions resulting from violations of the Mortgage Broker Practices Act.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 50-60-180 Licensing of independent contractors to conduct mortgage brokering.

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WSR 95-04-050 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Vocational Rehabilitation)
[Order 3830—Filed January 25, 1995, 3:13 p.m.]

Date of Adoption: January 25, 1995.

Purpose: This chapter is amended as required under the 1993 changes to chapter 74.29 RCW and reflects the 1992 amendments to the Rehabilitation Act of 1973.

Citation of Existing Rules Affected by this Order: Amending chapter 490-500 WAC, Vocational rehabilitation and services for handicapped persons.

Statutory Authority for Adoption: RCW 74.29.025. Pursuant to notice filed as WSR 94-23-092 on November 17, 1994.

Changes Other than Editing from Proposed to Adopted Version:

Minor Revisions to chapter 490-500 WAC, Vocational rehabilitation and services for individuals with disabilities.

Reference Number	Page Number	Change
WAC 490-500-070(5)	14	Typo - "accessing" changed to "assessing"
WAC 490-500-190(2)	16	Change the phrase, "if the client is an unemancipated minor," to "if the client resides in the parent's home," Adoption of this language more clearly states the intention that the resources of the family unit be considered when determining economic need, regardless of whether the client is an emancipated or unemancipated minor.
WAC 490-500-275	22	Title change to "Individualized, Written Rehabilitation Plan - Review"
WAC 490-500-275(1)	22	Added text to clarify consequences of failure to meet objective evaluation criteria. Text added to (1): "If the client fails to meet the objective criteria. Text added to (1): "If the client fails to meet the objective evaluation criteria mutually agreed upon and specified in the plan, the division may temporarily suspend services. The suspension shall remain in effect until the VRC and the client discuss and mutually agree to resolve the situation."
WAC 490-500-385(5)	27	Changed sentence to active voice
WAC 490-500-389(2)	27	Changed sentence to active voice
WAC 490-500-390 (2)(d)		Changed sentence to active voice
WAC 490-500-390(4)	28	Changed sentence to active voice
WAC 490-500-418(2)	28	Changed "includes" to "means"
WAC 490-500-418(4)	29	Changed sentence to active voice
WAC 490-500-420(3)	29	Changed sentence to active voice and changed "shall" to "may"
WAC 490-500-420(4)	29	Changed sentence to active voice
WAC 490-500-430(2)	30	Changed sentence to active voice
WAC 490-500-430(3)	30	Changed sentence to active voice
WAC 490-500-435(3)	31	Changed sentence to active voice and changed "shall" to "may"
WAC 490-500-435(4)	31	Changed sentence to active voice
WAC 490-500-437(3)	31	Changed sentence to active voice and changed "shall" to "may"
WAC 490-500-437(4)	31	Changed sentence to active voice
WAC 490-500-445(2)	31	Changed sentence to active voice
WAC 490-500-445(3)	31	Changed sentence to active voice
WAC 490-500-450(2)	32	Changed sentence to active voice and changed "shall" to "may"
WAC 490-500-470	33	Added "services" to title. Vocational rehabilitation services—Transition services
WAC 490-500-480(2)	34	Changed sentence to active voice and changed "shall" to "may"
WAC 490-500-480(3)	34	Changed sentence to active voice
WAC 490-500-500(2)	35	Changed "outcome" to "goal"
WAC 490-500-505 (2)(b)	35	Added "Accessibility" to the beginning of the phrase
WAC 490-500-510(4)	36	Changed "shall be" to "is." WAC 490-500-510 already had the word "shall" placed before the colon, making subsection (4) language redundant.
WAC 490-500-520	36 .	Corrected capitalization in title. "Rehabilitation" to "rehabilitation."
WAC 490-500-615	47	Added "and benefits" to title. Independent living program—Economic need and comparable services and benefits.
WAC 490-500-620		•
(3) & (4)	48 & 49	Reverse the order of items (3) and (4) for clarification.
WAC 490-500-625	49	Changed "plan" to "program" in title.

RESPONSE TO WRITTEN COMMENTS CHAPTER 490-500 WAC, FILED NOVEMBER 17, 1994

COMMENTS RECEIVED

ACTION TAKEN

Doug Sevin, Program Manager, Adult/Emergency Services Section. Mr. Sevin identified a typographical error in WAC 490-500-070(5). The word "accessing" was changed to "assessing."

This correction has been incorporated in the final version.

Mr. Sevin noted that WAC 490-500-420 eliminates the authority to provide maintenance. He felt that this was a significant rule change and should be so identified.

A memo will be sent to the director of the Division of Income Assistance advising the division of this change.

Mr. Sevin also noted that WAC 490-500-455 changes follow-up services after placement in employment from required to discretionary. Again, he felt that this was a significant change and should be so identified.

The change in wording does not affect current practice. The revised wording from "shall" to "may" eliminates providing a service when the service is not needed by the client.

Sharon Staley, Rules Coordinator. Ms. Staley identified a number of areas in the WAC which were in the passive voice and recommended active voice.

These areas were revised and have been incorporated.

Don Kay, Regional Administrator. Mr. Kay identified the need to add text to WAC 490-500-275(1) to clarify the consequences of failure to meet objective evaluation criteria.

Suggested text has been incorporated.

Tom Bewley, Chief of Field Services. Mr. Bewley recommended a change to WAC 490-500-190(2), he suggested to more clearly state the intention that the resources of the family unit be considered when determining economic need, regardless of whether the client is an emancipated or unemancipated minor. He also noted that this is the position taken by financial aid officers when determining eligibility for Pell Grant applicants.

Suggested text has been incorporated.

Effective Date of Rule: Thirty-one days after filing.

January 25, 1995

Dewey Brock, Chief
Office of Vendor Services

Chapter 490-500 WAC VOCATIONAL REHABILITATION AND SERVICES FOR ((HANDICAPPED PERSONS)) INDIVIDUALS WITH DISABILITIES

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

WAC 490-500-005 Definitions. (1) "Accepted for services" means the division determines the following conditions are met and the division may ((supply vocational)) provide rehabilitation services to an applicant:

- (a) The division has certified the applicant as eligible to receive ((vocational)) rehabilitation services; and
- (b) The division has sufficient funds, personnel, facilities, and other resources to undertake and complete the rehabilitation of the ((individual)) client.
- (2) "Act" means the Rehabilitation Act of 1973, including subsequent amendments ((under 29 U.S.C. ehapter 16)).
- (3) "Applicant" means an individual submitting ((a letter or)) an application or letter to the division requesting

((vocational)) rehabilitation services. ((For a letter to be an application, the applicant's letter shall contain:

- (a) The signature of the individual or the individual's representative; and
- (b) The name, address, age, sex, nature of disability of the requesting individual, and source of referral.
- (4) "Civil employee of the federal government" means a person employed by, or serving in a civilian capacity with, the United States government who was disabled in the line of duty under CFR 361.37.
 - (5) "Client" means any handicapped individual:
- (a) Who has applied for vocational rehabilitation services or independent living services from the division; and
- (b) For whom the division has not denied or terminated services.
- (6) "Comparable services" mean services or resources, other than from the division, the VRC determines are available to the applicant or client to meet the cost of any vocational rehabilitation services under CFR 361.47b.
- (7) "Department" means the department of social and health services.
- (8) "Director" means the director of the division of vocational rehabilitation.
- (9) "Division" means the division of vocational rehabilitation of the department of social and health services.

- (10) "Eligible" or "eligibility," when used in relation to an individual's qualification for vocational rehabilitation services, means a certification that:
- (a) The individual has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and
- (b) Vocational rehabilitation services may reasonably benefit the individual in terms of employability.
- (11) "Employability" means a determination was made that the provision of vocational rehabilitation services is likely to enable an individual to enter or retain employment consistent with the individual's capacities and abilities in:
 - (a) The competitive labor market;
 - (b) The practice of a profession;
 - (c) Self-employment;
 - (d) Homemaking;
- (e) Farm or family work, including work for which payment is in-kind rather than in-eash;
 - (f) Sheltered employment;
 - (g) Homebound employment; or
 - (h) Other gainful work.
- (12) "Evaluation of rehabilitation potential" means, as appropriate, in each case:
 - (a) A preliminary diagnostic study to determine:
- (i) An individual has a physical or mental disability which constitutes or results in a substantial handicap to employment;
- (ii) Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability; and
- (iii) The individual is eligible for vocational rehabilitation services.
- (b) A thorough diagnostic study to determine which vocational rehabilitation services may be of benefit to the individual in terms of employability consisting of:
- (i) A comprehensive evaluation of pertinent factors, which bear on the individual's handicap to employment and rehabilitation potential; and
 - (ii) An appraisal of the individual's:
 - (A) Work behavior; and
- (B) Ability to develop work patterns suitable for successful job performance.
- (e) Any other goods or services used to determine the nature of the handicap and whether the individual may benefit from vocational rehabilitation services in terms of employability; and
- (d) Providing vocational rehabilitation services to an individual for an extended evaluation period not to exceed eighteen months. The services include initiation and continuing development of an individualized, written rehabilitation plan with periodic assessment of results of providing services. The purpose is to determine whether a vocational goal is feasible for the individual.
- (13) "Family member" or "member of the family" means:
- (a) Any relative, by blood, adoption, or marriage, of a handicapped individual; and
- (b) Other individuals residing in the same household with whom the handicapped individual has a close interpersonal relationship.
- (14) "Functional capacities" in terms of employability means:

- (a)-Mobility;
- (b) Communication;
- (e) Interpersonal skills;
- (d) Self-care;
- (e) Self-direction;
- (f) Work tolerance; or
- (g) Work skills.
- (15) "Handicapped individual" means an individual:
- (a) With a physical or mental disability constituting or resulting in a substantial handicap to employment; and
- (b) Expecting to benefit in terms of employability from the provision of vocational rehabilitation services, or for whom an extended evaluation of rehabilitation potential is necessary to determine whether the individual may benefit in terms of employability from the provision of vocational rehabilitation services.
- (16) "Independent living services" means any goods or services provided to a severely handicapped client enabling the individual to achieve maximum family or community participation in support of a vocational rehabilitation plan.
- (17) "Individual's representative" means a client-selected representative who is the individual's parent, guardian, or other representative.
- (18) "Initial stock and supplies" means items used, consumed, or sold in the normal process of an occupation or in the normal course of a business enterprise.
- (19) "Local medical consultant" means a doctor of medicine employed under contract by the division to provide consultation to local office rehabilitation counselors concerning the medical aspects of rehabilitation, usually reviewing and discussing medical problems of individual clients.
- (20) "Occupational license" means a license, permit, or other written authority required by a governmental unit as a prerequisite to entering a particular occupation.
- (21) "Occupational tools and placement equipment" means tangible implements or appliances required for the efficient performance of a particular trade, business, or occupation.
- (22) "On the job training services" means a program of organized training giving the client the opportunity to learn as an employee in an occupation under actual conditions of commercial, industrial, or other on the job employment.
- (23) "Physical and mental restoration services" means services necessary to correct or substantially modify, within a reasonable period of time, a physical or mental condition which is stable or slowly progressive.
- (24) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will result in limiting an individual's activities or functions.
- (25) "Public safety officer" means a person serving the United States or a state or unit of general local government, with or without compensation, in an activity pertaining to:
- (a) The enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the armed forces;
- (b) A correctional program, facility, or institution where the activity is potentially dangerous because of contact with eriminal suspects, defendants, prisoners, probationers, or parolees;
- (c) A court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous

because of contact with criminal suspects, defendants, prisoners, probationers, or parolees; or

- (d) Firefighting, fire-prevention, or emergency rescue missions.
- (26) "Referral" means any individual referred to a vocational rehabilitation office by letter, telephone, direct contact, or by other means. The following minimum information shall be furnished for referral:
 - (a) Name and address;
 - (b) Disability;
 - (c) Age and sex;
 - (d) Date of referral; and
 - (e) Source of referral.
- (27) "Rehabilitation facility" means a facility operated primarily to provide vocational rehabilitation services to handicapped individuals, and also provide one or more of the following services:
- (a) Vocational rehabilitation services under one management including:
 - (i) Medical;
 - (ii) Psychological;
 - (iii) Social; and
 - (iv) Vocational services.
- (b) Testing, fitting, or training in the use of prosthetic and orthotic devices;
 - (e) Prevocational conditioning or recreational therapy;
 - (d) Physical and occupational therapy;
 - (e) Speech and hearing therapy;
 - (f) Psychological and social services;
 - (g) Evaluation of rehabilitation potential;
 - (h) Personal and work adjustment;
- (i) Vocational rehabilitation with a view toward career advancement in combination with other rehabilitation services:
 - (j) Evaluation or control of specific disabilities; and
- (k) Transitional or extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market. All medical and related health services shall be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the state.
- (28) "Secretary," except when the context indicates otherwise, means the secretary of the department of social and health services.
- (29) "Severely handicapped individual" means a handicapped individual:
- (a) With a severe physical or mental disability which seriously limits one or more of the individual's functional capacities in terms of employability;
- (b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
- (e) With one or more physical or mental disabilities resulting from:
 - (i) Amputation;
 - (ii) Arthritis;
 - (iii) Autism;
 - (iv) Blindness;
 - (v) Burn injury;
 - (vi) Cancer;
 - (vii) Cerebral palsy;
 - (viii) Cystic fibrosis;

- (ix) Deafness;
- (x) Head injury;
- (xi) Heart disease;
- (xii) Hemiplegia;
- (xiii) Hemophilia;
- (xiv) Respiratory or pulmonary dysfunction;
- (xv) Mental retardation;
- (xvi) Mental-illness;
- (xvii) Multiple selerosis;
- (xviii) Muscular dystrophy;
- (xix) Musculo-skeletal-disorders;
- (xx) Neurological disorders including stroke and epilepsy;
 - (xxi) Paraplegia;
 - (xxii) Quadriplegia;
 - (xxiii) Other spinal cord conditions;
 - (xxiv) Sickle cell anemia;
 - (xxv) Specific learning disability;
 - (xxvi) End-stage renal disease; or
- (xxvii) Another disability or combination of disabilities determined to cause comparable substantial functional limitation based on an evaluation of rehabilitation potential.
- (30) "Substantial handicap to employment" means a physical or mental disability which impedes an individual's occupational performance, by preventing the individual from:
 - (a) Obtaining;
 - (b) Retaining; or
- (e) Preparing for employment consistent with the individual's capacities and abilities.
- (31) "Vocational rehabilitation counselor (VRC)" means an employee of the division having direct responsibility for authorizing, providing, or supervising the provision of all vocational rehabilitation services to a division client.
- (32) "Vocational rehabilitation services" mean services under the vocational rehabilitation plan including one or more of the following:
- (a) Any goods or services provided to a client likely to enable the client to enter or retain employment in the competitive labor market consistent with the client's capacities and abilities;
- (b) Any goods or services provided to a client for the purpose of extended evaluation to determine the client's rehabilitation potential;
- (e) The establishment, construction, development, operation, and maintenance of rehabilitation facilities; and
- (d) The provision of facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but not related directly to the rehabilitation plan.

Vocational rehabilitation is a capped categorical program; thus, services appropriate and necessary for successful vocational rehabilitation are determined on an individual case needs basis under CFR 361.42, dated January 19, 1981

- (4) "Assessment for determining eligibility and rehabilitation needs" means, to the extent needed, in each case:
- (a) A review of existing data and personal information to determine eligibility and to assign priority when the state is under an order of selection;
- (b) A comprehensive assessment to determine an individual's vocational goal and those services which may be necessary to help the individual achieve an employment outcome; and

- (c) Any other rehabilitation services necessary to determine an individual's rehabilitation needs.
 - (5) "Client" means an individual with a disability:
- (a) Who has applied for rehabilitation services from the division; and
- (b) For whom the division has not denied or terminated services.
- (6) "Client assistance program" means the program to provide assistance in informing and advising all clients and applicants of all available benefits under the Act, and to assist and advocate for such clients or applicants in their relationships with projects, programs, and facilities providing services under the Act.
- (7) "Client's representative" means the client's legal guardian, parent when the client is an unemancipated minor, or other legal representative, or a client-selected representative or advocate.
- (8) "Community rehabilitation program" means an entity certified to:
 - (a) Provide specific rehabilitation services to clients; and
- (b) Maximize opportunities for employment, including career advancement.
- (9) "Comparable services and benefits" means services or resources available under federal, state, or local programs, other than from the division, which help the client achieve rehabilitation objectives.
- (10) "Department" means the department of social and health services.
- (11) "Director" means the director of the division of vocational rehabilitation.
- (12) "Division" means the division of vocational rehabilitation of the department of social and health services.
- (13) "Eligible" or "eligibility," when used in relation to an individual's qualification for vocational rehabilitation services, means a certification by the division that the individual:
- (a) Has a physical, mental, or sensory impairment which for such individual constitutes or results in a substantial impediment to employment;
- (b) Can benefit in terms of an employment outcome from vocational rehabilitation services; and
- (c) Requires one or more primary vocational rehabilitation services to prepare for, enter into, engage in, or retain gainful employment.
- (14) "Eligible" or "eligibility" for the independent living program means an individual with a severe physical, mental, or sensory impairment whose ability to function independently in the family or community is substantially limited and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move toward functioning independently in the family or community.
- (15) "Employment outcome" means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in integrated settings or any other employment outcome designated by the rehabilitation services administration commissioner.
- (16) "Family member" or "member of the family" means:
- (a) Any spouse or relative, by blood, adoption, or marriage, of a client; and

- (b) Other individuals residing in the same household with whom the client has a close interpersonal relationship.
- (17) "Independent living program" means those services and activities authorized under Title VII of the Rehabilitation Act, as amended.
- (18) "Independent living services" means goods or services provided to a client which improve the individual's ability to function, continue functioning, or move toward functioning in family or community.
- (19) "Individual with a disability" means an individual who:
- (a) Has a physical, mental, or sensory impairment which for such individual constitutes or results in a substantial impediment to employment; and
- (b) Can benefit in terms of an employment outcome from the provision of rehabilitation services.
- (20) "Individual with a severe disability" for the vocational rehabilitation program means an individual:
- (a) Who has a severe physical, mental, or sensory impairment which seriously limits one or more functional capacities such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills in terms of an employment outcome;
- (b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
- (c) Who has one or more physical, mental, or sensory disabilities resulting from:
 - (i) Amputation;
 - (ii) Arthritis;
 - (iii) Autism;
 - (iv) Blindness;
 - (v) Burn injury;
 - (vi) Cancer;
 - (vii) Cerebral palsy;
 - (viii) Cystic fibrosis;
 - (ix) Deafness;
 - (x) Head injury;
 - (xi) Heart disease;
 - (xii) Hemiplegia;
 - (xiii) Hemophilia;
 - (xiv) Respiratory or pulmonary dysfunction;
 - (xv) Mental retardation;
 - (xvi) Mental illness;
 - (xvii) Multiple sclerosis;
 - (xviii) Muscular dystrophy;
 - (xix) Musculo-skeletal disorders;
- (xx) Neurological disorders (including stroke and epilepsy);
 - (xxi) Paraplegia;
 - (xxii) Quadriplegia;
 - (xxiii) Other spinal cord conditions;
 - (xxiv) Sickle cell anemia;
 - (xxv) Specific learning disability;
 - (xxvi) End-stage renal disease; or
- (xxvii) Other disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitations.
- (21) "Individual with a severe disability" for the independent living program means an individual:

- (a) With a severe physical, mental, or sensory impairment whose ability to function independently in the family or in the community is substantially limited; and
- (b) For whom the delivery of independent living services will improve the ability to function, continue functioning, or move toward functioning independently in the family or community.
- (22) "Initial stock and supplies" means items used, consumed, or sold in the normal process of establishing an occupation or a business enterprise.

(23) "Occupational license" means a license, permit, or other legal authority required by a governmental unit as a prerequisite to engaging in a particular occupation.

- (24) "Occupational tools, equipment, and supplies" means tangible implements or appliances required for the efficient performance of a particular trade, business, or occupation.
- (25) "On-the-job training services" means a program of organized training providing the client the opportunity to learn, as an employee in an occupation, under actual conditions of commercial, industrial, or other on-the-job employment.
- (26) "Physical and mental restoration services" means services necessary to correct or substantially modify, within a reasonable period of time, a physical or mental condition which is stable or slowly progressive.
- (27) "Physical, mental, or sensory disability" means a physical, mental, or sensory impairment which substantially limits an individual's major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- (28) "Public safety officer" means a person serving the United States or a state or unit of local government, with or without compensation, in an activity pertaining to:
- (a) The enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the armed forces;
- (b) A correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;
- (c) A court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees; or
- (d) Firefighting, fire prevention, or emergency rescue missions.
- (29) "Referral" means any individual referred to the division by letter, telephone, direct contact, or by other means. The following minimum information shall be furnished for referral:
 - (a) Name and address;
 - (b) Disability;
 - (c) Age and sex;
 - (d) Date of referral; and
 - (e) Source of referral.
- (30) "Rehabilitation services" means services under a vocational rehabilitation or independent living plan. Such services are provided by a division program authorized by Title I, Title VI C., or Title VII of the Rehabilitation Act, as amended, and may include any goods or services:

- (a) Necessary for a client to attain or retain employment and/or independence; or
- (b) Which contribute substantially to the rehabilitation of a group of individuals with disabilities.
- (31) "Secretary," except when the context indicates otherwise, means the secretary of the department of social and health services.
- (32) "Substantial impediment to employment" means a physical, mental, or sensory disability which constitutes a significant barrier to an individual's occupational performance, by preventing the individual from preparing for, entering into, engaging in, or retaining gainful employment.
- (33) "Vocational rehabilitation counselor (VRC)" means an employee of the division having direct responsibility for assessing, planning, authorizing, providing, or supervising the provision of all rehabilitation service to a division client.
- (34) "Vocational rehabilitation program" means those services and activities authorized under Title I and Title VI C. of the Rehabilitation Act, as amended.
- (35) "Vocational rehabilitation services" means services under the vocational rehabilitation plan including any goods or services necessary to prepare a client to attain an employment outcome.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

- WAC 490-500-010 Application for services. (1) Any ((handicapped person)) individual with a disability may apply for ((vocational)) rehabilitation services, including ((persons)) individuals who have previously applied for, have previously received, or have previously been denied such services.
- (2) Any ((handicapped person)) individual with a disability seeking to obtain ((vocational)) rehabilitation services from the division shall ((submit a written application)) apply for services ((to)) with the division.
- (3) The written application for services shall be signed by the ((person)) individual requesting services or by ((his parent or guardian or other)) the individual's representative.
- (4) The ((written application)) individual applying for services shall ((contain)) provide the following information:
 - (a) The applicant's name and address;
 - (b) The nature of the applicant's disability;
 - (c) The applicant's age and sex;
 - (d) The date of application; and
- (e) The name of the ((person)) individual or agency, if any, who has referred the applicant to the division.
- (5) The division shall not provide ((vocational)) rehabilitation services to any person who has failed to submit a signed application ((in writing)) or letter containing the above information.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-015 Initial interview. (1) An applicant for ((vocational)) rehabilitation services shall be interviewed personally by a VRC or by a ((vocational rehabilitation))

<u>division</u> staff member ((under supervision of a VRC)) as soon as possible after application.

- (2) At this initial interview, the interviewer shall:
- (a) Begin to collect the following information from the applicant relative to the applicant's:
 - (i) Expectations;
 - (ii) Vocational history and characteristics; and
- (iii) Other pertinent information to determine the nature of the disability, severity of the disability, eligibility for services, and to develop a rehabilitation goal and conduct service planning.
- (the vocational rehabilitation program as it relates to the applicant,
 - (b))) division programs and services;
- (c) Specifically inform the applicant of ((his)) the right to appeal ((from)) any decision made by the division with regard to ((his)) the case through administrative ((appeal)) review and fair hearing procedures((, and (e)));
- (d) Inform the applicant of $(\frac{\text{his}}{\text{information possessed}})$ the right of confidentiality of information possessed by the division($(\frac{1}{2})$); and
- (((d) Obtain any general information from the applicant which might be useful in determining his eligibility for vocational rehabilitation services))
- (e) Inform the applicant of the services available through the client assistance program.

NEW SECTION

- WAC 490-500-022 Assessment for determining eligibility and vocational rehabilitation needs. (1) The division shall conduct an assessment to determine whether the individual:
- (a) Has a physical, mental, or sensory impairment which for such individual constitutes or results in a substantial impediment to employment;
- (b) Can benefit in terms of an employment outcome from vocational rehabilitation services; and
- (c) Requires vocational rehabilitation services to prepare for, enter into, engage in, and/or obtain gainful employment.
- (2) The division shall ensure the data for the preliminary assessment includes information provided by the individual and a review of existing reports. To the extent necessary, the division may conduct additional assessments.
- (3) The division shall document information and results of each applicant's assessment.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

- WAC 490-500-025 Eligibility for services. (1) The division shall make an eligibility determination ((as to)) for every applicant for vocational rehabilitation services. The division shall make a determination of an applicant's eligibility ((shall be made as soon as possible after application)) within a reasonable period of time, not to exceed sixty days from the date of application, unless:
- (a) Exceptional and unforeseen circumstances preclude the division from completing the determination within the prescribed period of time and the applicant agrees with the time extension; or

- (b) The division requires an extended evaluation to determine if the applicant can benefit from vocational rehabilitation services.
- (2) The division shall base its eligibility determination on the ((results of the preliminary diagnostic study)) review of existing data and personal information and, to the extent necessary, additional information gained during the preliminary assessment and an extended evaluation, if any.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

- WAC 490-500-030 Eligibility for services—Criteria.
 (1) ((Eligibility shall be based only upon)) The division shall determine an individual is eligible for service if the individual:
- (a) ((The presence of)) <u>Has</u> a physical ((or)), mental ((disability)), or sensory impairment which for ((the)) such individual constitutes or results in a substantial ((handicap)) impediment to employment; ((and))
- (b) ((A reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability)) Can benefit in terms of an employment outcome from vocational rehabilitation services; and
- (c) Requires one or more primary vocational rehabilitation services to prepare for, enter into, engage in, and/or retain gainful employment.
- (2) The division shall determine an individual's eligibility ((requirements will be provided by the division)) without regard to sex, race, age, creed, religion, color, sexual orientation, or national origin of the individual applying for service.
- (3) ((No person or group of persons shall be found))
 The division shall not find an individual ineligible for services solely on the basis of type of disability.
- (4) ((No person shall be found ineligible for services solely on the basis of age.
- (5) No person shall be found)) The division shall not find an individual ineligible for services based on residence requirement, durational, or other.

AMENDATORY SECTION (Amending Order 2146, filed 8/29/84)

- WAC 490-500-050 Certification for decision of eligibility or ineligibility. ((There will be a certification))
 (1) The division shall only certify an individual as eligible or ineligible after:
- (a) Full participation with the individual or the individual's representative; or
 - (b) Affording a clear opportunity for such participation.
- (2) The division shall document that the individual has met the basic eligibility requirements specified in eligibility criteria as described under WAC 490-500-030. ((The statement of eligibility will be dated and signed by the VRC.
- (2) Whenever it has been determined that)) (3) When the division determines an individual is ineligible for ((vocational)) rehabilitation services, ((there shall be a certification, dated and signed by the VRC. Certification of ineligibility will be made only after full participation with the individual or, as appropriate, his parent, guardian, or other representative, or after affording a clear opportunity for

such consultation)) the division shall document the rationale for such determination.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 2098, filed 5/2/84)

- WAC 490-500-055 Notice to applicant. (1) The division shall notify each individual ((shall be notified)) in writing of the ((aetion taken on)) determination of the individual's eligibility or ineligibility.
- (2) ((He shall be informed of)) The division shall inform each individual of:
- (a) The division's procedure for administrative review and fair hearings if ((he is dissatisfied)) the individual disagrees with the division's decision; and
- (b) Services available through the client assistance program.
- (3) If the ((applicant was determined to be)) division determines an individual is ineligible for ((vocational)) rehabilitation services, the ((eertification)) division shall specify ((in detail how he)) on the notification how the individual failed to meet the eligibility criteria ((of eligibility)).

NEW SECTION

- WAC 490-500-065 Ineligibility—Review required. (1) The division shall conduct a review at least once within twelve months when a client of the vocational rehabilitation program is:
- (a) Terminated from services because the client is too severely disabled to benefit from services; or
- (b) Terminated as successfully employed in sheltered employment.
- (2) In the independent living program the division or service provider, if appropriate, shall conduct a review at least once within twelve months after the ineligibility determination has been made and whenever the service provider determines the applicant's status has materially changed.
- (3) The division or the service provider, if appropriate, need not conduct a review in situations where the:
 - (a) Client has refused the review;
 - (b) Client is no longer present in the state; or
 - (c) Client's location is unknown.

AMENDATORY SECTION (Amending Order 775, filed 3/1/73)

WAC 490-500-070 Extended evaluation. (1) "Extended evaluation ((is the process by which diagnostic))" means an additional assessment and other vocational rehabilitation services ((are)) provided to an ((applicant)) individual for the limited purpose of ((facilitating the determination of his rehabilitation potential and)) determining eligibility. ((Extended evaluation is provided only when a determination of eligibility has not and can not be made within the usual eligibility determination procedure))

- (2) The division shall conduct an extended evaluation when the individual's ability to benefit from vocational rehabilitation services, in terms of an employment outcome, is questionable due to the nature and severity of the individual's disability.
- (3) When an extended evaluation is required, the division shall:
- (a) Document the reasons for an individual's extended evaluation; and
- (b) Notify the individual of the need for an extended evaluation to determine eligibility.
- (4) The division shall limit the provision of vocational rehabilitation services during an individual's extended evaluation to a total period not to exceed eighteen months from the date the division initiates the extended evaluation plan. The division shall ensure an assessment of an individual's progress occurs once every ninety-days to ascertain whether there is enough information to make an eligibility decision.
- (5) The division may provide those vocational rehabilitation services which help in assessing whether an individual can benefit from vocational rehabilitation in terms of an employment outcome. When the division obtains sufficient information to determine an individual's eligibility or ineligibility, the division shall:
 - (a) Make an eligibility or ineligibility decision;
 - (b) Discontinue extended evaluation services; and
- (c) Document the eligibility or ineligibility decision and rationale for such determination.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-080 Extended evaluation—((Program)) Plan. (1) ((After certification for)) When an extended evaluation ((to determine rehabilitation potential, an individualized written rehabilitation program)) is required, an extended evaluation plan shall be ((developed)) jointly developed, agreed upon, and signed by the VRC and the ((handicapped)) individual((-)) or, as appropriate ((his parent, guardian or other)), the individual's representative.

- (2) The division shall provide a copy of the written ((program)) plan and any amendments ((thereto shall be provided)) to the plan to the ((handicapped)) individual((5)) or, as appropriate, ((parent, guardian or other)) the individual's representative.
- (3) ((The program shall include the basis on which a determination of eligibility has been made that an extended evaluation of rehabilitation potential is necessary.
- (4) The program shall specify the nature of the vocational rehabilitation services necessary to determine the client rehabilitation potential and shall specify the arrangements which shall be made to provide for and/or otherwise secure such necessary services.
- (5) The projected rate for the initiation of each vocational rehabilitation service, the anticipated duration of each such service, and the time within which the objectives and goals for each individual might be achieved.
- (6) The terms and conditions for the provision of vocational rehabilitation services including:

- (a) Responsibilities of the handicapped individual in implementing the individualized written rehabilitation program,
- (b) The extent of client participation in the cost of services based on the financial need of the client, and
- (e) The extent to which the individual is eligible for similar benefits under any other programs.
- (7) An assurance that the handicapped individual has been informed of his rights and the means by which he may express and seek remedy for his dissatisfactions, including the opportunity for an administrative review of the division's action or fair hearings.
- (8) Where appropriate, assurance that the handicapped individual has been provided a detailed explanation of the availability of the resources within a client assistance project)) The division shall ensure the plan specifies the:
- (a) Nature of the vocational rehabilitation services necessary to determine if the individual is capable of benefiting from vocational rehabilitation services in terms of an employment outcome;
 - (b) Objective evaluation criteria; and
 - (c) Terms and conditions for the provision of services.

NEW SECTION

WAC 490-500-170 Criteria for order of selection.

- (1) The division shall use the following categories to accept an individual for vocational rehabilitation services when the division cannot provide services or other resources to all eligible individuals with disabilities who apply for such services due to limited funds:
- (a) Category One Individuals with the most severe disabilities:
 - (b) Category Two Individuals with severe disabilities;
 - (c) Category Three Individuals with disabilities.
- (2) When funds or other resources are not available to serve all eligible individuals within any category described under subsection (1) of this section, the division shall establish an order of selection within each category utilizing the date of application. When order of selection is in effect, the division shall assign an individual to a priority category for services when eligibility is determined.
- (3) The division shall serve public safety officers whose disability was sustained while acting in the line of duty first, within the category the officer may be placed, regardless of the officer's application date.

AMENDATORY SECTION (Amending Order 1761, filed 2/3/82)

- WAC 490-500-180 Economic need. (1) The division shall provide the following services regardless of the economic need of the client receiving the services:
- (a) ((Diagnostic and related services,)) Assessment services for determining eligibility and rehabilitation or independent living needs;
- (b) Counseling, guidance, and information and referral services provided by division staff;
- (c) Placement services provided by ((DVR)) <u>division</u> staff((,(d) All)); or
- (d) Independent living services when provided by division staff.
- (2) The division shall only provide a client other rehabilitation services ((of the division will be provided

- only)) if the client ((who is to receive the services)) is eligible for such services:
- (a) On the basis of economic need as provided ((in)) under WAC 490-500-190; and
- (b) Conditioned upon the availability of comparable services and benefits.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

- WAC 490-500-185 Economic need—Financial statement required. ((An applicant accepted for vocational rehabilitation services or accepted for extended evaluation to determine rehabilitation potential shall be required to)) (1) In order to assess economic need, the client shall furnish the division with((÷
- (1) Such)) information ((in detail)) regarding ((his)) the client's financial assets, income, debts, obligations, and expenses in such detail as may be necessary to ((enable the division to make a determination of his)) determine the client's economic need((\(\frac{1}{2}\))).
- (2) ((A signed statement indicating whether he is in need of financial)) The division shall document the client's need for assistance from the division in order to participate in ((those vocational)) rehabilitation services which are conditioned ((upon)) on the client's economic need.
- (3) The client shall report to the division any change in the client's financial situation which may have a bearing on whether the division will continue to purchase services.

AMENDATORY SECTION (Amending Order 2341, filed 2/12/86)

WAC 490-500-190 Economic need—Standards for determining. (1) ((A client shall be eligible to receive vocational rehabilitation services or extended evaluation services from the division)) The division may provide rehabilitation services to a client when the client's total obligations, debts, and expenses ((equals)) equals or ((execeds)) exceeds income ((and)), nonexempt assets, and resources. When income ((and)), nonexempt assets, and expenses, the client shall use the excess ((is to be made available by the client)) to pay for rehabilitation services unless the service is ((exempted)) exempt by law ((and/or)) as described under WAC 490-500-180(1).

- (2) The division's determination of a client's economic need involves an evaluation of the income, assets, debts, obligations, and expenses of ((his or her)) the client's entire family unit, including ((his or her)) the client's spouse, dependents or, if the client ((is an unemancipated minor, his or her)) resides in the parent's home, the client's parents.
- (3) The ((following)) <u>division</u> shall ((be considered)) <u>consider the following as</u> income for the purpose of determining the economic need of a client:
- (a) Wages paid to the client and to any ((dependent)) family members living in the home. For purposes of this

section, the division shall determine wages ((shall be)) as equal to gross wages, less deductions for:

- (i) Income taxes((7));
- (ii) Social Security((-,));
- (iii) Other taxes((;));
- (iv) Retirement deductions((-,)); and
- (v) Other involuntary deductions.
- (b) Contributions from relatives or others, in cash or in kind, on a regular and predictable basis;
 - (c) Net profit from roomers or boarders;
 - (d) Net profit from property rentals;
 - (e) Net profit from farm products;
 - (f) Net profit from business enterprises;
- (g) Scholarship ((or fellowship funds)), educational loans, or grants;
 - (h) Income from public or private welfare agencies; or
- (i) Any other income received on a regular and predictable basis, including but not limited to:
 - (i) A limony((τ));
 - (ii) Child support;
 - (iii) Dividends from stocks((7));
 - (iv) Annuity payment((-,));
 - (v) Unemployment compensation((-,));
 - <u>(vi) Insurance((,));</u>
 - (vii) Pensions((, ete)) or individual retirement accounts; (viii) Trust funds.
- (4) The <u>division shall determine the</u> following types of property ((shall be considered)) <u>as</u> exempt assets ((and may)) not to be considered in determining the client's economic need:
- (a) The <u>primary</u> home <u>or residence</u> occupied by the client or ((his or her)) the client's family, including any contiguous real property. ((A house trailer is)) The division shall determine a recreational vehicle as an exempt asset when ((it is being)) the client or client's family:
- (i) Regularly ((eccupied by)) occupies the ((elient or his or her family)) recreational vehicle as the principle place of residence; or ((when it will be so occupied))
- (ii) Will occupy the recreational vehicle in the predictable future.
- (b) Household furniture, clothing, life insurance, and other personal effects;
- (c) An automobile when one or more of the following conditions is met:
- (i) The client and ((his or her)) the client's family have only one automobile((7)); or
- (ii) All automobiles used by the family are for the purpose of transportation to work or school((7)); or
- (iii) ((The automobile has been furnished in whole or in part to the client or to one of his or her dependents by the Veterans' Administration, or
- (iv))) The automobile is essential to the client's ((vocational)) rehabilitation objective.
- (d) Vocational equipment and machinery owned by the client is an exempt asset if the equipment and/or machinery is ((being used to provide part or all of the living expenses of the client and his or her dependents or if the equipment and/or machinery may be so)) used:
- (i) To produce income or help meet normal living requirements for the client and the client's family; or
- (ii) To produce income after completion of the ((vocational)) rehabilitation plan((†)).

- (e) Livestock ((is an exempt asset)) to the extent the livestock produces income or otherwise helps ((the elient)) to meet normal living requirements.
- (5) ((All types of)) The division shall determine tangible and intangible property as nonexempt and such property must be considered in determining the client's economic need. Tangible and intangible property((, including)) includes but is not limited to real property, personal property, stocks, bonds, savings accounts, and checking accounts and other funds, which are not exempt under subsection (4) of this section ((shall constitute the client's nonexempt assets and)). The division shall ((be considered in)) consider tangible and intangible property in determining the client's economic need. The value of a client's nonexempt asset shall be ((equal to the nonexempt assets)) its fair market value less any unpaid encumbrances of record.
- (6) The <u>division shall deduct the</u> following obligations, debts, and expenses ((shall be deducted)) from the client's income and nonexempt assets in determining ((the client's)) economic need:
 - (a) The client's actual shelter and living expenses((7));
- (b) Shelter and living expenses for the client's spouse and dependents((7));
- (c) Payments ((which)) the client ((is required to)) must make under court order((7));
- (d) Outstanding taxes on earnings or personal or real property($(\frac{1}{2})$);
 - (e) Insurance premium payments((-,));
- (f) Contractual payments on real or personal property if ((such obligations were)) the client incurred such obligations prior to the client's application for ((vocational)) rehabilitation services.
- (((7) When maintenance is to be paid by the division of vocational rehabilitation to a client, the maintenance paid shall be in the amount the division has determined to be necessary to maintain the client up to a maximum of the current one person payment standard as defined in WAC 388-29-100.))

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-200 Economic need—Notification of decision. When ((it is determined that)) the division determines a client ((shall be required to)) shall contribute financially to ((his)) the client's rehabilitation, the division and the client shall ((explain to him)) mutually agree upon when, how, and for what services ((his)) the client's funds will be used. The VRC and the client shall document the client contributions in the rehabilitation plan.

NEW SECTION

WAC 490-500-205 Comprehensive assessment. (1) The division shall conduct a comprehensive assessment of the unique strengths, resources, priorities, interests, and needs of the client, including the need for supported employment. The division shall use information from the comprehensive assessment to determine the client's goals, objectives, nature, and scope of vocational rehabilitation services to be included in the client's written rehabilitation plan.

(2) To the degree necessary, the division may include these assessment components:

- (a) Vocational aptitude and interests;
- (b) Work history;
- (c) Work assessment;
- (d) Employment opportunities;
- (e) Assistive technology needs;
- (f) Interpersonal and social skills;
- (g) Education history;
- (h) Cultural issues;
- (i) Environmental issues;
- (i) Recreational interests;
- (k) Medical, psychiatric, and psychological information; and
 - (1) Independent living needs.

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

WAC 490-500-257 Individualized, written rehabilitation plan. (1) When a determination of eligibility for vocational rehabilitation services has been made and before providing services, the division and the client shall ((initiate and continuously)) jointly develop and agree on an individualized written rehabilitation plan ((for each elient)).

(2) The division and the client shall design the individualized written rehabilitation plan to achieve an employment outcome mutually agreed upon by the client and the division, consistent with the client's unique strengths, resources, priorities, concerns, abilities, and capabilities.

(3) The division and the client shall mutually agree on the long-range employment goal established for the client and the intermediate rehabilitation objectives related to the attainment of the goal. The division and client shall consider the following factors:

(a) Medical restoration and/or rehabilitation assistive technology enabling the client to return to previous employment;

(b) Job restructuring enabling the client to return to employment similar to the type previously held;

(c) Transferable skills enabling the client to return to suitable employment; or

(d) Training necessary to obtain current marketable job skills consistent with the client's strengths and capacities and related to employment available in the current labor market.

(4) The division and the client shall mutually agree on the specific vocational rehabilitation services necessary to achieve:

(a) The employment goal; and

(b) The specific and measurable intermediate objectives.

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

WAC 490-500-260 Individualized, written rehabilitation plan—Content. (1) When developing an individualized written rehabilitation plan, the division shall place primary emphasis on the determination of a client's vocational goal and achievement of ((a vocational goal)) an employment outcome.

(2) The <u>division shall ensure the</u> plan ((shall include)) includes, but <u>is</u> not ((be)) limited to, appropriate statements concerning the following:

(((1) The basis on which the determination of eligibility has been made;

- (2) The long-range employment goals established for the individual and the intermediate rehabilitation objectives related to the attainment of the goals, for which the division utilizes a prioritization of services, are as follows:
- (a) Medical restoration enabling the client to return to previous employment;
- (b) Job restructuring enabling the client to return to employment similar to the type previously held;
- (e) Utilizing transferable skills placing the client in suitable employment; or
- (d) Retraining necessary to obtain current marketable job skills within the client's limitations for employment available in the current labor market.
- (3) The determination of the specific vocational rehabilitation services provided to achieve established employment goals and the terms and conditions for the provision of the services;
 - (4) The projected rate for the initiation of each))
- (a) The vocational rehabilitation services to be provided, the service providers, the cost of the services, the anticipated duration of each service, and the time within which the goal and the objectives ((and goals for each individual might)) for the client are scheduled to be achieved, including periodic progress reviews;
- (((5) The views of the handicapped individual, or the individual's representative, concerning the individual's goals and objectives and the vocational rehabilitation services provided;

(6))) (b) A written statement by the client or the client's representative describing:

(i) How the client was informed about and involved in choosing among alternative goals, objectives, services, entities providing such services; and

(ii) Methods used to provide or procure such services.

(c) The terms and conditions for the provision of vocational rehabilitation services ((including)) and the client's responsibilities ((of the handicapped individual elient)) in implementing the individualized written rehabilitation plan. These terms and conditions and responsibilities include, but are not limited to:

(((a))) (i) The extent of ((elient)) the client's participation in the cost of services based on the ((financial)) economic need of the client((, and));

(((b))) (ii) The extent to which the ((individual)) client is eligible for and shall use comparable services and benefits under other programs; and

(iii) Objective criteria, an evaluation procedure, and a schedule for determining achievement of the goal and objectives.

(((7))) (d) An assurance the ((handieapped individual)) client is informed of the:

(((a))) (i) ((Individual's)) Client's rights;

(((b))) <u>(ii)</u> Means by which the ((individual)) <u>client</u> may express dissatisfactions; and

(((e))) (iii) Means by which the ((individual)) client may seek remedy for dissatisfactions, including the opportunity for

(((i))) (A) Client assistance program services; and

(((ii))) (B) An administrative review ((of action)); or

(((iii))) (C) A fair hearing.

- (((8))) (e) Assurance the ((handicapped individual)) client is provided a detailed explanation of the availability of the resources within ((a)) the client assistance program;
- (((9) The basis on which the individual shall be determined to be rehabilitated;)) and

(((10))) (f) Plans for the ((provision of)) assessment of the expected need for post-employment services after ((a suitable)) an employment ((objective)) outcome is achieved ((and the basis on which the plans are developed when required)).

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

WAC 490-500-270 Individualized, written rehabilitation plan—Participation ((of client)). (1) The VRC and the ((handicapped individual or the individual's)) client or the client's representative shall jointly develop, mutually agree on, and sign the individualized, written rehabilitation plan.

(2) The division shall provide the ((individual or the individual's)) client or the client's representative a copy of the written rehabilitation plan and subsequent amendments.

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

WAC 490-500-275 Individualized, written rehabilitation plan—((Annual)) Review. (1) The division shall, with the client or the client's representative, assess progress and review the goal, objectives, and services for appropriateness ((with the individual or the individual's representative)) of the individualized, written rehabilitation plan. If the client fails to meet the objective evaluation criteria mutually agreed upon and specified in the plan, the division may temporarily suspend services. The suspension shall remain in effect until the VRC and the client discuss and mutually agree to resolve the situation. The division shall review the individualized, written rehabilitation plan:

- (a) On an annual basis; or
- (b) As often as necessary.
- (2) At the time of review, the ((handieapped individual)) client or the ((individual's)) client's representative shall be involved in the review and, if necessary, jointly redevelop the ((terms)) plan. The division shall ensure the client's amended plan does not take effect until agreed to and signed by the client or the client's representative.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75; Order 775, filed 3/1/73)

WAC 490-500-300 ((Objective of)) Vocational rehabilitation —Employment outcome. (1) The ((objective)) division shall ensure the purpose of vocational rehabilitation services is to enable ((an individual)) a client to prepare for, enter into, engage in, or retain gainful employment consistent with ((his)) the client's capacities and abilities in the competitive labor market, the practice of a profession, self-employment, home-making, farm or family

work (including work for which payment is in kind rather than in cash); sheltered employment; ((homebound)) homebased employment; or other gainful work(())).

(2) The division shall limit vocational rehabilitation services ((will be limited)) to the amount necessary ((in the individual case to fit the client for his vocational objective not only for the moment, but have suitable continuing employment in varying economic conditions)) for the client to attain an employment outcome by entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-325 Comparable services and benefits available from other agencies. (1) The division ((of vocational rehabilitation funds)) shall not ((be expended)) expend funds to purchase services for which a client is eligible and is receiving or about to receive such services from another agency which has primary responsibility for providing the needed service. ((In all eases,))

- (2) The division shall give full consideration ((will be given)) to any ((similar)) comparable services and benefits available from any other program to ((a handicapped individual on any other program)) a client unless:
- (a) Services would be delayed to a client at extreme medical risk; or
- (b) The client's immediate job placement would be lost due to a delay in the provision of such comparable services and benefits.
- (3) The provision of rehabilitation services shall be conditioned on the economic need of the client and the availability of comparable services and benefits.

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

WAC 490-500-350 Vocational rehabilitation services. The division shall only provide rehabilitation services when pre-authorized by the VRC((. The division shall provide a thorough diagnostic study to determine rehabilitation services)) and necessary to ((attain)) achieve the client's rehabilitation ((objective)) outcome. Rehabilitation services ((may)) include, but are not limited to:

- (1) ((Evaluation of rehabilitation potential)) Assessments;
- (2) Counseling ((and)), guidance, and work-related placement services;
 - (3) Physical and mental restoration services;
- (4) Vocational and other training services, including personal and vocational adjustment, books, tools, and other training materials;
- (5) ((Maintenance)) Additional living expenses incurred while participating in rehabilitation;
- (6) Transportation in connection with the rendering of any rehabilitation service;
- (7) Services to the ((elient's family members when the services)) family of the client as are necessary ((for the elient's)) to the client's adjustment or rehabilitation;
- (8) Interpreter services for ((the)) a client who is deaf, hard of hearing, or deaf-blind while the client is receiving rehabilitation services; reader services for a client who is

blind or visually impaired while the client is receiving rehabilitation services;

- (9) ((Reader services,)) Rehabilitation teaching services, and orientation and mobility services for ((the)) a client who is blind, or deaf-blind;
- (10) Telecommunications, sensory, and other technological aids and devices;
 - (11) Rehabilitation assistive technology services;
 - (12) Information and referral services;
- (13) Recruitment and training services ((providing)) to provide new employment opportunities in rehabilitation and other appropriate public service employment;
 - (((12)-Placement in suitable employment;
- (13) Post-employment services, necessary to assist the elient in maintaining suitable employment;))
- (14) Occupational licenses, tools, equipment, initial stocks, and supplies; ((and))
 - (15) Transition services;
 - (16) Supported employment services;
 - (17) Independent living services;
- (18) On-the-job or other related personal assistance services provided while a client is receiving vocational rehabilitation services;
- (19) Post-employment services necessary to assist the client to maintain or regain employment; and
- (20) Other goods and services ((which in the opinion of the VRC benefit the client's employability)).

Subsections (5), (6), (7), (8), and (18) of this section are support services and the division shall only provide these services in conjunction with one or more primary vocational rehabilitation services. All other services listed within this section are primary vocational rehabilitation services.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

- WAC 490-500-380 Vocational rehabilitation services—Counseling ((and)), guidance, and work-related placement services. (1) The division shall provide counseling and guidance ((shall be provided by the division)) when necessary to assist:
- (a) ((Assist)) The client to understand ((his capacities, aptitudes, and)) the client's unique strengths, resources, priorities, interests, and rehabilitation needs;
- (b) ((Assist)) The client to ((understand his limitations and the)) address personal issues, such as health ((problems)), inter-personal ((problems)), and social ((problems)) issues which may be encountered during the course of ((and after completion of)) the rehabilitation process((7));
- (c) ((Assist)) The client to ((select a suitable and realistic vocational goal,)) determine the goal and intermediate objectives;
 - (d) ((Assist)) The client to understand:
- (i) The nature and scope of services available ((to him)) from the division and other community resources; and ((to understand))
- (ii) How such resources can best be obtained and utilized in ((his)) the rehabilitation process((7)).
- (e) ((Assist)) The client to ((adjust to)) address situations encountered during the rehabilitation process, ((e.g.)) such as, control of anxieties ((concerning physical restoration)), development of appropriate study and work habits,

- improvement of personal appearance, management of finances, preparation for job interviews and tests, and establishment and maintenance of effective inter((-))personal relationships($(\frac{1}{2})$);
- (f) ((Counsel and assist)) Family members, relatives, and friends of the client ((to aid and)) who may assist in the rehabilitation process((7));
- (g) ((Counsel with prospective)) Employers to ((determine whether the individual has chosen a feasible and appropriate)) enable a client to achieve the client's vocational goal.
- (2) The division may provide a client work-related placement services, including job search assistance, placement assistance, job retention services, personal assistance services, follow-up, follow-along, and specific post-employment services necessary to assist the client to maintain, regain, or advance in employment.
- (3) Counseling ((and)), guidance, and work-related placement services shall be provided without regard to economic need, and comparable services and benefits.

AMENDATORY SECTION (Amending Order 2193, filed 1/17/85)

- WAC 490-500-385 Vocational rehabilitation services—Physical and mental restoration. (1) The division may provide a client physical and mental restoration ((shall be provided to a client)) to the extent necessary to achieve ((his)) the vocational rehabilitation ((objective)) goal provided that:
- (a) The ((elinical status of his)) client's disabling condition is stable or slowly progressive((7)); and ((provided that))
- (b) Physical and mental restoration services ((may be expected to)) eliminate or substantially reduce the ((handieapping)) client's disabling condition within a reasonable period of time.
- (2) ((Physical and mental restoration services shall be provided to a client accepted for extended evaluation to the extent necessary to complete the evaluation, regardless of whether his condition is stable or slowly progressive.
- (3))) The division may provide the following physical and mental restoration services ((shall include all medical and related services exclusive of organ transplantation and experimental procedures by means of which a physical, mental, or emotional disability may be rendered less incapacitating)) to render an impairment less disabling, such as:
- (a) Medical treatment including but not limited to therapeutic programs under medical supervision, necessary laboratory work, and necessary medication((7));
- (b) ((Surgieal)) Corrective surgery and necessary therapeutic treatment((; surgery for eardine or gynecological conditions shall be provided)), only if approved by the regional medical consultant(($\frac{1}{2}$));
- (c) Psychiatric treatment only when ((the diagnostic study)) an assessment clearly indicates a favorable prognosis for a client's relatively short_term therapy. A client's program of psychiatric treatment ((which will extend)) extending beyond twelve months ((must have the prior approval of)) shall only be provided if approved by the regional medical consultant((7));

- (d) Dental treatment only when ((it will significantly increase employability or remove an established vocational handieap)) the client's treatment is directly related to an employment outcome, or in emergency situations involving pain, acute infections, or injury((.—Examples of disabling dental conditions for which restorative services may be authorized include widespread ulceration of teeth, destruction of tooth structures, decay which seriously affects the individual's ability to eat, badly malformed or positioned teeth, or rejection of the individual from employment on the basis of his appearance. Restorative dental services will not be provided when the restoration will not directly affect employability));
 - (e) ((Nursing services,
- (f))) Hospital (either inpatient or outpatient care) and clinic services((f)
- (g) Convalescent, nursing, or rest home care only when there is an expectation of a normal period of convalescence after which other appropriate services leading to the rehabilitation of the client may be initiated or resumed. Such care shall not be provided by the division as a long-term process for conditions not expected to improve,

(h) Drugs and supplies,));

- $((\frac{(i)}{(i)}))$ (f) Prosthetic, $((\frac{orthoptie}{orthotic}))$ orthotic, or other assistive devices essential to obtaining or retaining employment $((\frac{1}{2}))$;
 - $((\frac{1}{2}))$ (g) Eyeglasses and visual services $((\frac{1}{2}))$;

(((k))) (h) Podiatry services;

- (((+))) (i) Physical therapy services; ((physical therapy shall consist of the employment of the physically beneficial properties of light, heat, cold, water, electricity, massage, manipulation, exercise, and mechanical devices as treatment of disease or injury.))
- (((m))) (i) Occupational therapy services; ((eccupational therapy shall include all manual skills and recreational activities which provide specific active exercise for physical disabilities and shall include psychologic rehabilitation techniques,))
- $((\frac{(n)}{n}))$ (k) Medical ((or medically related)) social work services(($\frac{1}{n}$));
- $(((\Theta)))$ (1) Medically directed speech or hearing therapy((G)) services;
- (((p))) (m) Medical treatment ((of medical applications and emergencies, either acute or chronic, which are associated with or arise out of)) associated with the provision of physical restoration services ((, or are inherent in the condition under treatment,)); and
- (((q))) (n) Short-term treatment of minor or temporary illness which, if not cared for, would constitute a hazard to the achievement of the vocational (((objective or to the completion of extended evaluation); such short term medical treatment shall not exceed thirty days in the case of any one illness,)) goal.
- (3) The division shall not provide organ transplantation, experimental procedures, or gender change procedures.
- (4) Only an individual licensed to practice in the field of the individual's specialty shall provide physical and mental restoration services ((shall be provided by persons licensed to practice in the field of their specialties. It shall be required)). The division shall require that physicians providing medical and/or surgical treatment services ((shall)) demonstrate eligibility for or certification by the appropriate

- medical specialty board. Any exceptions to this ((policy)) subsection can only be made by the state medical consultant. The state medical consultant for the department shall be responsible for establishing standards of competence for vendors of physical restoration services provided clients of the department where licensure or other regulatory standards have not been established in the Washington Administrative Code, as amended.
- (5) The division shall condition the provision of ((physical and mental restoration)) such services ((shall be conditioned)) on the economic need of the client and the availability of comparable services and benefits.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

- WAC 490-500-389 Vocational rehabilitation services—Telecommunications, sensory, and other technological aids and devices. (1) The ((provision of)) division may provide telecommunications, sensory, or other technological aids and devices((7)). Only an individual licensed or appropriately certified to fill individualized prescriptions and fittings ((must be performed by individuals licensed to fill such prescriptions and licensed to perform such fittings in accordance with)) consistent with state licensure laws((, or be appropriately certified professionals)) shall perform such responsibilities. Aids and devices not requiring individual fittings must meet engineering and safety standards ((recognized by experts in the field)).
- (2) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

- WAC 490-500-390 Vocational rehabilitation services—Training. (1) The division may provide ((rehabilitation)) training services to ((a client who:
- (a) Has the-mental, physical, and emotional qualifications and capacity to benefit from the training; and
- (b) Requires the training to achieve the client's rehabilitation goal)) a client when necessary to attain the employment outcome.
- (2) ((Vocational rehabilitation)) Training services may include, as necessary:
- (a) ((All)) Personal and vocational adjustment, including work skill building;
 - (b) ((Pre-vocational)) On-the-job training;
- (c).((Educational)) Vocational/technical, trade, or business training;
- (d) ((Personal adjustment)) Post-secondary academic training. The division shall not pay for training or training services in institutions of higher education unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such training or training services. The division shall obtain post-secondary academic training from in-state public schools when an adequate course of study is offered;
- (e) ((Work adjustment)) Books, tools, fees, and other training materials; ((or))
 - (f) Independent living services; or

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- (g) <u>Tutoring and other types</u> of training contributing to the client's rehabilitation.
 - (3) ((Vocational rehabilitation training may be:
 - (a) Provided directly by the division; or
 - (b) Procured from:
 - (i) Public or private training-facilities;
 - (ii) Public or private schools; or
 - (iii) Commercial or industrial establishments.
- (4) Vocational rehabilitation)) The division shall limit a client's training ((shall be limited)) to the amount of training necessary to prepare the client for an appropriate and adequate ((occupational objective)) employment outcome.
- (((5) [Before expending division funds to provide training services,] the VRC shall determine:
 - (a) The economic need of the client; and
- (b) Comparable services available to the client are utilized))
- (4) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

- WAC 490-500-418 Vocational rehabilitation services—Rehabilitation assistive technology services. (1) ((Assistive)) The division may provide rehabilitation technology services enabling a client to address barriers relative to an employment outcome in areas which include education, rehabilitation, employment, transportation, independent living, and recreation.
- (2) Rehabilitation technology services ((shall include)) means the systematic application of:
 - (a) Technology;
 - (b) Rehabilitative engineering methodologies; or
 - (c) Scientific principals.
- (((2) The services meeting the needs of, and addressing the barriers confronted by, individuals with handicaps relate to:
 - (a) Education;
 - (b) Rehabilitation;
 - (e) Employment;
 - (d) Transportation; or
 - (e) Independent living and recreation))
- (3) Rehabilitation technology services include rehabilitation engineering, assistive technology devices, and assistive technology services.
- (4) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

- WAC 490-500-420 Vocational rehabilitation services—((Maintenance)) Additional living expenses. (1) "Maintenance" ((services may include:
- (a) The client's basic living expenses, such as food, housing, clothing, and health care needs; and

- (b) Other subsistence expenses enabling the client to receive full benefit from other vocational rehabilitation services.
- (2) The division-may provide maintenance services to the extent necessary enabling a client to derive the full benefit of other vocational rehabilitation services.
- (3)) means basic subsistence expenses, i.e., food, shelter, clothing, and utilities. The division ((may)) shall not provide maintenance ((-at any time during the rehabilitation plan. Following placement, until the client receives remuneration for employment, maintenance may be provided to the client for a period not to exceed sixty days)).
- (((4) The division shall base the provision of maintenance services on the economic need of the client using DSHS standards and dollar amounts))
- (2) "Additional living expenses" mean those expenses incurred over and above basic maintenance. The division may only provide additional living expenses when necessary and required for the client to participate and benefit from a primary service in a rehabilitation plan.
- (3) Additional living expenses are a support service. The division may only provide additional living expenses in conjunction with one or more primary vocational rehabilitation services.
- (4) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

- WAC 490-500-430 Vocational rehabilitation services—((Placement materials)) Occupational licenses, tools, equipment, and initial stocks and supplies. (1) The division may provide a client ((who is placed)) with tools, equipment, initial stocks and supplies, and occupational licenses((, and vehicles for use in connection with placement)) necessary to achieve an employment outcome, in such quantity and of such quality as to give reasonable assurance of a successful((;
 - (a) Operation of the enterprise;
 - (b) Performance in the occupation; or
 - (e) Practice of the profession)) employment outcome.
- (2) ((The division shall base the provision of tools, equipment, initial stocks and supplies, occupational licenses, and vehicles to clients upon the:
 - (a) Economic need of the client; and
- (b) Utilization of comparable services and benefits available to the client.
- (3))) The division shall retain ownership of or title to tools, equipment, and supplies((, and vehicles shall remain with the division)) until the client ((is rehabilitated)) achieves the employment outcome and requires the tools((τ)) or equipment((, or vehicle)) for continued employment.
- (3) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

WAC 490-500-435 Vocational rehabilitation services—Transportation. (1) The division may provide transportation services to ((a elient in connection with the provision of:

- (a) Physical restoration;
- (b) Training;
- (e) Placement:
- (d) Extended evaluation; and
- (e) Diagnostic services.
- (2) Transportation services may include the costs of travel and subsistence during travel for a client and the client's necessary attendants or escorts.
 - (3) Transportation services may also include:
 - (a) Costs of relocation; and
 - (b) Moving expenses when:
- (i) Incurred in connection with other vocational rehabilitation services; and
- (ii) Necessary to the achievement of a vocational rehabilitation objective.
- (4) Before expending division funds to provide transportation services, the VRC shall determine:
 - (a) The economic need of the client; and
- (b) Comparable services available to the client are utilized))
- a client in order to assist the client to achieve the employment outcome.
- (2) Modification of vehicles is a rehabilitation technology service and is not a transportation service.
- (3) Transportation is a support service. The division may only provide transportation in conjunction with one or more primary vocational rehabilitation services.
- (4) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.
- (5) The division may provide transportation services in connection with ((diagnostie)) assessment services without regard to economic need.

NEW SECTION

- WAC 490-500-437 Vocational rehabilitation services—Interpreter services and reader services. (1) The division may provide interpreter services to a client who is deaf or hard of hearing.
- (2) The division may provide reader services to a client who is blind or visually impaired.
- (3) Interpreter services and reader services are support services. The division may only provide interpreter services and reader services in conjunction with one or more primary vocational rehabilitation services.
- (4) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

AMENDATORY SECTION (Amending Order 775, filed 3/1/73)

WAC 490-500-445 Vocational rehabilitation services ((provided))—Services to family members ((of family)).

(1) The division may provide vocational rehabilitation

- services ((shall be provided to members of)) to a client's family when such services are necessary and will substantially contribute to the rehabilitation of the client.
- (2) <u>Services to family members are support services.</u> The division may only provide services to family members in conjunction with one or more primary vocational rehabilitation services.
- (3) The division shall condition the provision of such services ((to members of the family shall be conditioned upon)) on the economic need of the client and the availability of comparable services and benefits.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 775, filed 3/1/73)

WAC 490-500-450 Vocational rehabilitation services ((provided))—Other goods and services. (1) ((Such other goods and services shall be provided to the client as are essential to a determination of his rehabilitation potential, to his rehabilitation plan, or to render him fit to engage in a gainful occupation)) The division may provide a client with other goods and services necessary to conduct assessments, participate in a rehabilitation plan, or render the client employable.

(2) The division shall condition the provision of ((other goods and)) such services ((shall be conditioned upon)) on the economic need of the client ((except when provided in connection with diagnostic services)) and the availability of comparable services and benefits.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-455 Vocational rehabilitation services—Post-employment services. (1) The division ((shall)) may provide ((such)) follow-up services to ((elients after placement as are necessary to insure that the placement is suitable and that the vocational rehabilitation of the individual has been achieved.

- (2) The division may provide post employment services to)) a client whose case has previously been terminated as "rehabilitated" when such services are necessary to ((overcome emergent or latent problems related to the original disability or handicap for which he was receiving services prior to termination)) maintain or regain employment consistent with the vocational goal.
- (((3))) (2) All ((follow-up-and)) post-employment services ((provided will)) the division provides shall have the same requirements ((to meet the economic needs test as those services that require the needs test for a regular program of services)) for comparable services and benefits and economic need as provided under WAC 490-500-180 and 490-500-325.

NEW SECTION

WAC 490-500-460 Vocational rehabilitation services—Information and referral services. The division may provide information and referral and other services to assist clients in securing needed services from other agencies.

NEW SECTION

WAC 490-500-465 Vocational rehabilitation services—Recruitment and training services. The division may provide recruitment and training services for individuals with disabilities to provide the individuals with new employment opportunities in the field of:

- (1) Rehabilitation;
- (2) Health;
- (3) Welfare
- (4) Public safety and law enforcement; and
- (5) Other appropriate service employment.

NEW SECTION

WAC 490-500-470 Vocational rehabilitation services—Transition services. "Transition services" mean a coordinated set of services for a student who is an applicant or client, that promotes movement from school to post-school activities in an outcome oriented process to achieve an employment goal.

NEW SECTION

WAC 490-500-475 Vocational rehabilitation services—Supported employment. (1) "Supported employment services" mean ongoing support services and other appropriate services needed to support and maintain a client with the most severe disabilities in supported employment.

- (2) The division may provide supported employment services to clients with the most severe disabilities when necessary to achieve an employment outcome.
- (3) The division shall ensure supported employment services are:
- (a) Provided singly or in combination to assist the client in entering and maintaining integrated, competitive employment:
 - (b) Based on a determination of the client's need; and
- (c) Provided for a period of time not to exceed eighteen months, unless under special circumstances the client and the division agree to a time extension necessary to achieve the employment outcome.

NEW SECTION

WAC 490-500-477 Vocational rehabilitation services—Independent living services. (1) The division may provide independent living services to a client as necessary to:

- (a) Participate in family, community, and work; and
- (b) Achieve the employment outcome.
- (2) Independent living services include, but are not limited to:
 - (a) Information and referral;
 - (b) Advocacy;
 - (c) Independent living assessments; and

(d) Independent living skills training.

NEW SECTION

WAC 490-500-480 Vocational rehabilitation services—On-the-job or other related personal assistance.
(1) The division may provide on-the-job or other related personal assistance services to a client designed to increase the client's self-determination and ability to perform every day activities on and off the job.

- (2) On-the-job or other related personal assistance services are support services. The division may only provide on-the-job or other related personal assistance in conjunction with one or more primary vocational rehabilitation services.
- (3) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

NEW SECTION

WAC 490-500-485 Vocational rehabilitation services—Services to groups. The division may provide services for the benefit of groups of individuals with disabilities. Such services include:

- (1) Management and technical assistance services for small businesses operated by an individual with the most severe disabilities;
- (2) Establishment, development, or improvement of community rehabilitation programs. The division shall use such programs to provide services that promote integration and competitive employment;
- (3) The use of existing telecommunication systems which substantially improve service delivery methods;
 - (4) The use of services for providing:
- (a) Recorded materials for individuals who are blind, and
- (b) Captioned films or video cassettes for individuals who are deaf; and
- (5) Technical assistance and support services to businesses that are seeking individuals with disabilities.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-500 Purchase of services. (1) The division may purchase ((training from schools or sheltered workshops, or from business establishments which offer onthe-job training services)) any rehabilitation service not directly provided by division staff to clients.

(2) The division shall ensure all vocational rehabilitation services purchased relate directly to the client's employment goal.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-505 Purchase of services—Selection criteria—Schools or training organizations. (1) In determining whether a particular school or training organization is appropriate and acceptable as a training facility, the ((VRC)) client and the division shall evaluate the curriculum, quality of training, and adequacy of total resources in relation to the client's needs. ((The VRC may also))

- (2) To assist the client in the most efficient pursuit of the client's training, the division and client may consider such factors as the:
- (a) Placement services, if any, offered by the facility((, the));
- (b) Accessibility, and convenience of the physical arrangements of the plant and ((their)) adaptability to ((their)) the needs of the client((, and the)); and
- (c) Willingness of school or training organization authorities to ((adopt)) adapt and make available such equipment as is necessary ((to aid the client in the most efficient pursuit of his training)).
- (((2))) (3) The <u>division shall limit the</u> use of schools <u>or training organizations</u> for <u>a client's</u> training purposes ((shall generally be limited to those which are)) to those:
- (a) Accredited, licensed, or approved ((either)) by a legal authority((, or are)); or
- (b) Recognized as adequate by the professional or trade group with which ((they)) those groups are associated.
- (4) The division shall ((attempt to)) utilize ((for training purposes)) those schools and other training ((facilities)) organizations which provide the ((recipient)) client with the credits, credentials, diplomas, or other certifications required by the profession or trade ((which is the goal of the recipient's rehabilitation program)).
- (((3))) (5) The division shall use tax supported schools ((shall be used)) in preference to nontax supported schools ((whenever)) when possible and appropriate in light of the vocational ((objective)) goal of the client ((in question)).
- (((4))) (6) The division shall not use out-of-state ((training facilities shall not be used)) schools and training organizations when satisfactory training opportunities for a client exist within the state. ((Exceptions)) The division shall only make an exception to this rule ((should be made only)) if the training available out of state offers a distinct and significant advantage to the client in realizing ((his)) the client's training objective and ((subsequent job placement)) employment outcome.
- (((5) Prior to the use of a school as a training facility the VRC shall advise the client involved about the status of the school in which the training program will be carried out. The client shall be made particularly aware of any limitation of job opportunities which might result from the use of a school or facility of limited or no accreditation.))

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

- WAC 490-500-510 Purchase of services—Selection criteria—((Employment training facilities)) On-the-job training. A business or ((industrial)) trade establishment ((which is to-be)) utilized by the division for the provision of ((employment training services)) a client's on-the-job training shall meet the following criteria:
- (1) The ((faeility)) establishment has personnel qualified for instructional purposes by knowledge, skills, and personality:
- (2) The ((facility)) establishment has sufficiently diversified operations and adequate and suitable materials and equipment to ((insure a trainee)) ensure the client thorough ((preparations)) preparation and training ((within

- the scope and limits of his occupational objective)) to achieve the client's employment outcome;
- (3) On-the-job training of the client((s)) is only incidental to the business activity of the ((facility)) establishment, and in no case shall the establishment's major activity ((of the facility)) be ((the)) training ((of-clients)).
- (4) The client is an official employee of the establishment for the establishment to qualify as an on-the-job training establishment.

AMENDATORY SECTION (Amending Order 1758, filed 2/3/82)

WAC 490-500-520 Purchase of services—Selection criteria—Community rehabilitation ((facilities and workshops)) programs. (1) A community rehabilitation ((facility or a sheltered workshop to be)) program utilized by the division ((for vocational evaluation, vocational adjustment, placement, or extended sheltered employment,)) shall have a current full or provisional certification from the division stating the specific services the ((facility or workshop)) community rehabilitation program is qualified to provide to a client.

- (2) The ((faeility or workshop)) community rehabilitation program shall show evidence of an ongoing effort to ((move clients through the rehabilitation process; i.e., from work evaluation, work adjustment to competitive placement or extended sheltered employment)) assist the client to achieve competitive employment.
- (3) The division shall ensure certification((, whether full or provisional, by the division shall be)) of the community rehabilitation program is based, in part, ((upon)) on compliance with accreditation criteria((,)) approved by the division, or such other ((national)) accreditation body as the division shall deem appropriate. ((Criteria))
- (4) Areas to be addressed for accreditation ((shall include, but are)) include, but are not limited to((7)):
- (a) Evaluations of the organization, administration, and stated purpose of the ((facility)) community rehabilitation program;
 - (b) The services provided to ((the)) clients;
- (c) Personnel qualifications, including educational or other preparation for the position, as well as ongoing training within the ((faeility)) community rehabilitation program;
- (d) The maintenance of record keeping systems adequate to document both the fiscal adequacy and reliability of the ((faeility)) community rehabilitation program and the services provided to, and the progress of, the client;
 - (e) Fiscal management;
- (f) Physical plant, including adequacy, maintenance, and compliance with all applicable statutes, regulations, and ordinances; and
- (g) Such other evaluations of the ((program of the facility as a whole)) community rehabilitation program as the division shall require. ((National))
- (5) Accreditation shall be one of the essential criteria utilized by the division in the determination of ((eertifiability)) certification; however. ((no facility shall be eertified by)) the division shall not certify a community rehabilitation program unless the division ((shall have determined)) determines, in the division's sole discretion.

that there are sufficient potential clients to generate a need for the ((facility)) community rehabilitation program.

- (((2) Certification will be revoked, suspended or denied))
- (6) The division shall revoke, suspend, or deny certification of a community rehabilitation program for failure to adequately comply with the criteria as determined by the division.
- (((3))) (7) The division may grant provisional certification ((may be granted by the division)) for not more than two years when ((a facility has been determined to be)) the division determines a community rehabilitation program is:
- ((established in this section,)); but
 - (b) Is not yet eligible for ((national)) accreditation.
- (((4) The department shall maintain available copies of regulations for distribution. The regulations may be found in the Washington state facility plan))
- (8) The division shall maintain and make available for distribution the Washington state community rehabilitation program plan which sets forth community rehabilitation program requirements.

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

WAC 490-500-525 Termination of services <u>under an individualized</u>, <u>written rehabilitation plan—Ineligible</u>. (1) The division shall terminate services under an individualized, written rehabilitation plan ((on the basis the handicapped individual is)) when the division determines the client is:

(a) Not capable of achieving a ((vocational)) rehabilitation goal; or ((is))

(b) No longer eligible.

- (2) The division shall make the decision to terminate services with the involvement of the ((individual)) client or the ((individual's)) client's representative.
- (3) When the division determines ((an individual)) a client is ineligible for ((vocational)) rehabilitation services, the division shall document and certify the client's ineligibility. The division shall ensure the documentation and certification ((shall be)) is:
 - (a) Placed in the ((individual's)) client's file((7));
 - (b) Dated($(\frac{1}{2})$); and
- (c) Signed by an appropriate ((staff member)) division employee.
- (4) The division shall <u>not</u> terminate services under an individualized, written rehabilitation plan when the ((individual insists upon a vocational goal contraindicated by medical or labor market conditions)) client disputes the division's decision until the client's dispute reaches a final resolution.
- (5) The division may unilaterally terminate services when the division has evidence the client obtained the planned services through misrepresentation, fraud, collusion, or criminal conduct.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-530 Termination of services <u>under an individualized</u>, written rehabilitation plan—For reasons other than ineligibility. ((Vocational)) The division shall

<u>terminate</u> rehabilitation services ((shall be terminated)) when a client:

- (1) Has died((-,));
- (2) Cannot be located by the division after reasonable efforts to ((do so,)) locate the client;
- (3) Has been institutionalized under circumstances which preclude the provision of services for a substantial or indefinite period of time((, or));
- (4) Has moved to another jurisdiction and the division ((has been)) is unable ((either)) to continue provision of services ((or to refer the individual to an appropriate agency within the other jurisdiction.)); or
- (5) Removes ((himself)) oneself for consideration by declining to accept or utilize ((vocational)) rehabilitation services after ((all)) the division has made a reasonable effort ((has been expended)) to encourage participation.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 490-500-542 Termination of services under an individualized written rehabilitation plan—Rehabilitated. The division shall terminate services to a client based on achievement of the client's employment goal and the client is considered rehabilitated if the following conditions are met:

- (1) The program of rehabilitation services as set forth in the client's rehabilitation plan has, insofar as possible, been completed; or
- (2) The client and the division have mutually decided that it is necessary and/or appropriate for the client to choose and attain an alternative employment goal before completing a plan of service; and
- (3) The division has provided or arranged for substantial rehabilitation services to the client. The division shall not terminate a client as rehabilitated unless the division has provided or arranged one or more primary rehabilitation services; and
- (4) The division determines the client must have, at a minimum, achieved an employment goal which has been maintained for a period of time not less than sixty days; and
- (5) The division and the client have assessed the need for post-employment services.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-545 Notification of termination. (1) The division shall provide written notification to ((every individual who has applied for services whenever)) a client when the division makes any determination ((is made)) to terminate the client's services ((to him. Such)) unless the client is terminated from services under WAC 490-500-530 (1) or (2).

- (2) The division shall ensure the written notice ((shall specify in detail)) of termination:
- (a) Specifies the reasons for the division's decision to terminate a client's services; and ((shall))

- (b) Clearly ((inform)) informs the client of ((his)) the availability of the client assistance program, and the client's right to:
 - (i) An administrative ((appeal)) review; and ((to))
 - (ii) A fair hearing on the decision.

NEW SECTION

WAC 490-500-555 Confidential information—Disclosure. Client information collected by the division is intended for the purpose of determining eligibility and for providing rehabilitation services to clients. This information is to be kept confidential and only used in accordance with appropriate program purposes. The division shall ensure the release or sharing of such information is consistent with the following provisions:

- (1) Specific safeguards to ensure protection of current and stored personal information.
- (2) All clients, client's representatives and as appropriate, service providers, cooperating agencies, and interested persons shall be informed of the confidentiality of personal information and the conditions for accessing and releasing this information.
- (3) All clients or client's representatives shall be informed about the division's need to collect personal information and the policies governing its use.
- (4) Persons who are unable to communicate in English or who rely on special modes of communication shall be provided explanations about the division's policies and procedures affecting personal information through methods that can be adequately understood by them.
- (5) This WAC shall prevail over less stringent state laws and regulations.
- (6) The division may establish reasonable fees to cover extraordinary costs of duplicating records or making extensive searches, and shall establish policies and procedures governing access to records.
- (7) All personal information in the possession of the division shall only be used for purposes directly connected with the administration of the rehabilitation program. The division shall not share information containing identifiable personal information with advisory or other bodies which do not have official responsibility for administration of the program. In the administration of the program, the division may obtain personal information from service providers and cooperating agencies under assurances that the information shall not be further divulged, except as provided under subsections (8), (9), and (10) of this section.
- (8) The division may release information to a client when requested in writing by the client or the client's representative. The division shall make all information in the case record accessible to the client or the client's representative in a timely manner. The division shall ensure medical, psychological, or other information which the division believes may be harmful to the client is:
 - (a) Not released directly to the client; but
- (b) Only provided through the client's representative, a physician, or a licensed or certified psychologist;
- (9) Personal information which has been obtained from another agency or organization may only be released by, or under the conditions established by, the other agency or organization.

- (10) The division may only release personal information to an organization, agency, or person engaged in audit, evaluation, or research for purposes:
- (a) Directly connected with the administration of the rehabilitation program; or
- (b) Which would significantly improve the quality of life for an individual with a disability, and only if the organization, agency, or individual assures that the:
- (i) Information is only used for the purposes for which the information is provided;
- (ii) Information is only released to individuals officially connected with the audit, evaluation, or research;
 - (iii) Information is not released to the client;
- (iv) Information is managed in a manner to safeguard confidentiality; and
- (v) Final product does not reveal any personal identifying information without the informed written consent of the involved client or the client's representative.
- (11) The division may release information to other programs or authorities:
- (a) On receiving the informed written consent of the client. The division may only release:
- (i) To another agency or organization, that personal information which may be released to the client, and only to the extent that the other agency or organization demonstrates that the information requested is necessary for its program; and
- (ii) Medical or psychological information which the division believes may be harmful to the client when the other agency or organization assures the division that the information will:
- (A) Only be used only for the purpose for which the information is being provided; and
 - (B) Not be further released to the client.
 - (b) If required by federal law;
 - (c) In response to:
- (i) Investigations in connection with law enforcement, fraud, or abuse; except, where expressly prohibited by federal or state laws or regulations; and
 - (ii) Judicial order; and
- (d) In order to protect the client or others when the client poses a threat to:
 - (i) Oneself; or
 - (ii) The safety of others.
- (12) Client information about drug, alcohol, HIV/AIDS, and sexually transmitted diseases shall be handled in accordance with 34 CFR 361.49 and 42 CFR, Part 2 and applicable federal and state laws and regulations.
- (13) The division shall release personal information upon request of the division of child support.

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

WAC 490-500-560 Administrative review. (1) A client dissatisfied with a decision by the division regarding the client's ((vocational)) rehabilitation ((ease)) program may ((file a)) request ((with)) and receive from the division an administrative review and redetermination of the decision or action. The division shall ensure the purpose of the division's administrative review process is to effect((s)) a timely, informal resolution of disagreements. The ((process

- may)) division shall not ((be used as a means)) use the review process to delay the more formal fair hearing unless each party agrees to a delay.
- (2) The client shall request an administrative review, in writing, and ((file)) submit the review request ((in)) to any office of the division within fourteen days of the division's decision or action.
- (3) A ((request for)) client requesting an administrative review and redetermination of the decision shall:
 - (a) Specify the date of the decision or action appealed;
- (b) Precisely specify the issue to be resolved by the administrative review;
- (c) State the address of the client or the client's representative: and
- (d) ((Be signed by the client)) Sign the request for administrative review or have the client's representative sign the request.
- (4) ((The client shall submit the request for an administrative review within sixty days after receiving notice from the division of the decision or action which is the basis for the review request.
- (5))) The regional administrator or designee of the region where the client receives services shall ((provide)) conduct an administrative review within thirty days after the client's submission of the review request.
 - (((6))) (5) The regional administrator or designee shall:
- (as soon as possible) within fifteen days after the conclusion of the administrative review specifying the reasons for the findings; and
- (b) Inform((ing)) the client of the client's right to request and receive a fair hearing if dissatisfied with the findings.
- (6) Unless the client or the client's representative so requests, the division shall not institute a suspension, reduction, or termination of services being provided under a rehabilitation plan pending final determination of administrative review, unless the division has evidence that the services have been obtained through the client's misrepresentation, fraud, collusion, or criminal conduct.

NEW SECTION

- WAC 490-500-580 Fair hearing—Adjudicative proceeding. (1) A client shall have the right to a fair hearing to contest any decision made by the division, including any decision:
- (a) Concerning eligibility and/or the furnishing of rehabilitation services; and
- (b) Rendered on administrative review if such as review was conducted.
- (2) A client contesting a decision of the division shall, within fourteen days of receipt of the decision:
- (a) Submit a written request for a hearing by a method producing proof of receipt by the office of appeals; and
 - (b) Include in or with the request for a hearing:
- (i) A copy or statement of the division's decision being contested;
- (ii) The grounds for contesting the division's decision; and
- (iii) A specific statement of the issues and the laws involved.

- (c) The proceeding shall be governed by the Administrative Procedure Act, chapter 34.05 RCW, this chapter, and chapter 388-08 WAC. If any provision of this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.
- (3) The hearing shall be held within forty-five days of the office of appeals' receipt of the request for hearing, unless extended for good cause shown upon request of either or both parties.
 - (4) The administrative law judge shall:
- (a) Make a decision based on the provisions of the approved state plan, and federal and state rehabilitation laws, regulations, and policies; and
- (b) Serve an initial decision supported by a full written report of the findings and grounds upon which it is based within thirty days of the completion of the hearing.
- (5) The division shall ensure the initial decision becomes final unless:
- (a) A petition for review is filed by the client in accordance with chapter 388-08 WAC; or
- (b) The director gives notice of intent to review within twenty days of the mailing of the initial decision.
- (6) The director shall conduct the review of the initial fair hearing decision and shall not delegate the review to another individual.
- (a) If the director seeks a review of the initial decision, the division shall provide the client an opportunity to submit additional information relevant to the decision. The client shall submit supplemental information, in writing, within fourteen days of the notification of the director's intention to review, unless the client seeks an extension from the director on showing of good cause.
- (b) If the client seeks a review of the initial decision, the division shall limit the review to the record created at the hearing before the administrative law judge.
- (c) The director shall not overturn or modify an initial decision that supports the client's position unless the director concludes, based on clear and convincing evidence, that the initial decision is clearly erroneous because it is contrary to the:
 - (i) Approved state plan; or
- (ii) Federal or state rehabilitation laws, regulations, or policies.
- (d) The director shall make a final decision, in writing, within thirty days of the:
 - (i) Client's filing of a petition for review; or
- (ii) Director's notice of intent to review or on completion of any supplemental record on review, whichever is later.
- (e) The director's final decision shall include a full report of the findings and the grounds for such decision. On making the final decision, the director shall provide a copy of such decision to the client.
- (7) The administrative law judge or director may provide for reasonable time extensions for good cause shown at the request of either or both parties, except for the time limitation established for the director to give notice of intent to review an initial decision.
- (8) The division shall not institute a suspension, reduction, or termination of services under a rehabilitation plan pending final determination of the fair hearing or petition for review unless the:

- (a) Client or the client's representative so requests; or
- (b) Division has evidence the services have been obtained through the client's misrepresentation, fraud, collusion, or criminal conduct.

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

- WAC 490-500-590 Client records. The division ((will)) shall maintain for each ((applicant for vocational rehabilitation services)) client a case record which ((will)) includes, to the extent pertinent, the following information:
- (1) ((Documentation as to the preliminary diagnostic study, supporting the determination of eligibility, or the determination that an extended evaluation of rehabilitation potential is necessary to make such determination;
- (2) In the case of individuals who have applied for vocational rehabilitation services and have been determined to be ineligible, documentation as to the preliminary diagnostic study specifying the reasons for such determination;
- (3) Data supporting any determination that the handieapped individual is a severly [severely] handicapped individual;
- (4) Documentation as to periodic assessment of the individual during an extended evaluation of rehabilitation potential)) An application and any other information relevant to the client;
- (2) Documentation of the type and nature of the client's disabilities and impairments;
- (3) Documentation supporting the determination that the client meets the criteria of severe disability and the nature of that severe disability;
- (4) Documentation of the determination of eligibility or ineligibility and documentation of the assessment and rationale supporting such a decision to include documentation:
 - (a) Of eligibility and rehabilitation needs;
- (b) That an extended evaluation of rehabilitation potential is necessary to make such an eligibility determination; or
 - (c) Of ineligibility.
- (5) Data gathered during the comprehensive assessment for the development of the individualized, written rehabilitation plan;
- (6) Narrative documentation of periodic progress reviews throughout the rehabilitation of the client;
- (((5))) (7) An individualized, written rehabilitation ((program)) plan as jointly developed and any amendments to such ((program)) plan;
- (((6) In the event the physical and mental restoration services are provided documentation supporting the determination that the clinical status of the handicapped individual is stable or slowly progressive;
- (7) Documentation supporting any decision to provide services to family members;))
- (8) Data relating to the <u>client's financial</u> participation ((by the handicapped individual)) in the cost of ((vocational)) rehabilitation services ((if the state elects to condition the provision of any vocational rehabilitation services on the financial need of the handicapped individual));

- (9) Data relating to the eligibility of the ((individual for similar)) client for comparable services and benefits under any other program;
- (10) <u>Documentation of the decision to provide services</u>, the nature and scope of such services, and the authorization and payment for such services;
- (11) Documentation of the annual review and results of the review;
- (12) Documentation that the ((individual)) client has been advised of the confidentiality of all information pertaining to ((his ease)) the client's rehabilitation, and documentation and other material pertinent to the release of any information concerning the ((handicapped individual)) client on the basis of the written consent of the ((handicapped individual)) client or client's representative;
- (((11))) (13) Documentation ((as to the reason and justification for closing the ease)) of the decision and rationale for terminating the rehabilitation program, including the employment status of the client, and ((if the individual is determined to be rehabilitated, the basis on which the employment was determined to be suitable)) documentation of the division's determination of the client's rehabilitation status;
- (((12))) (14) Documentation of any plans for the provision of post-employment services after the employment objective has been achieved, the ((basis on which)) rationale for such plans ((were developed, and)), a description of the planned services ((provided)), and the outcomes achieved;
- (((13))) (15) Documentation that the client has been informed of the rights, responsibilities, and services available through the client assistance program;
- (16) Documentation as to any action and decision involving the ((handicapped individual's)) client's request for an administrative review ((of agency action)) or fair hearing((s)); and
- (((14) In the case of an individual who has been provided vocational rehabilitation services under an individualized written program but who has been determined after the initiation of such services to be no longer capable of achieving a vocational goal, documentation of any reviews of such determination))
- (17) Documentation of results of annual reviews of cases closed ineligible, too severely disabled, or as a sheltered employee in a community rehabilitation program.

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

- WAC 490-500-600 Independent living program((—Independent living rehabilitation services)). (1) The division may provide independent living ((rehabilitation)) program services:
- (a) Consistent with Title VII of the Rehabilitation Act, as amended, to an eligible ((severely handicapped individuals who, through evaluation, are identified as:
 - (a) Having no reasonable vocational potential; or
- (b) Needing no vocational services, but may benefit from services that enhance family or community participation.
- (2) The division shall accept a severely handicapped individual's application for independent living rehabilitation services when the individual believes the individual has the

potential to increase the quality and extent of family or community participation.

- (3) Severely handicapped individuals shall:
- (a) Play a substantial role in shaping the nature and delivery of the independent living rehabilitation services the individuals will receive; and
- (b) Be responsible for fully participating in decisions affecting the course of the individualized, written independent living plan)) client who has:
- (i) Not been determined eligible for and receiving services from Title I (vocational rehabilitation program) of the Rehabilitation Act, as amended; or
- (ii) Been determined eligible for the Title I program but has chosen not to participate in the Title I program; and
 - (b) To the extent that division resources are available.
- (2) A client may apply for independent living program services in areas where such services are available through the division.
- (3) A client shall participate fully throughout the client's independent living program.

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

WAC 490-500-605 Independent living program— Eligibility/ineligibility. (1) The division shall make an eligibility/ineligibility determination for applicants for independent living ((rehabilitation)) program services. After receiving the application, the division shall ((base-the determination of eligibility on the results of a preliminary study and evaluation)) conduct an assessment to determine eligibility and independent living needs as soon as possible. The division shall ensure the assessment identifies specific needs of the client, and includes the following areas, as necessary:

- (a) Environment management;
- (b) Financial management;
- (c) Home management;
- (d) Social skills;
- (e) Self-care; and
- (f) Education/vocational.
- (2) The division shall only base eligibility ((only-upon)) on:
- (a) The presence ((of an individual's)) of a severe physical ((or)), mental ((handicap which constitutes or results in a substantial barrier to)), or sensory disability which substantially limits the client's ability to function independently in family or community ((participation)) life; and
- (b) A ((reasonable expectation)) determination that the delivery of independent living ((rehabilitation)) program services ((may benefit)) will improve the ((individual through enhanced family or community participation)) individual's ability to function, continue functioning, or move toward functioning independently in family or community life.
- (3) The division shall document, date, and sign the eligibility/ineligibility determination.
- (4) If the division contracts to a third party to provide independent living program services, the division may choose to delegate the determination of eligibility/ineligibility for independent living services and the development of a written independent living plan.

The service provider shall comply with WAC 490-500-600 through 490-500-625.

(5) The division or, if appropriate, the service provider shall follow other eligibility requirements and procedures ((shall be followed)) described under WAC 490-500-030 (2). and (3), (((4), and (5) through 490-500-120)) 490-500-050 (1) and (3), 490-500-055, and 490-500-065.

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

WAC 490-500-615 Independent living program-Economic need and comparable services and benefits. (((1))) The division ((shall require an applicant accepted for independent living rehabilitation services to furnish the division with all financial information and follow-other)) or, if appropriate, the service provider, shall follow the provisions of economic need under WAC ((490-500-185)) 490-500-180 through 490-500-200 and comparable services and benefits under WAC 490-500-325 with all clients in the independent living program.

- (((2) Before expending division funds to purchase services, the VRC shall determine:
 - (a) The economic need of the client; and
- (b) Comparable services available to the client are utilized.

In all cases, full consideration shall be given to any comparable services available to a handicapped individual participating in any other program.))

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

WAC 490-500-620 Independent living program— Written independent living plan. (1) When ((accepted)) a determination of eligibility for independent living ((rehabilitation)) program services, has been made the ((individual)) client and the VRC or, if appropriate, the service provider, shall ((establish)) jointly develop and mutually agree on a written independent living plan ((to include)) unless the client chooses to sign a waiver that such plan is unnecessary. A written independent living plan may include:

- (a) Goals or objectives addressing specific barriers to family or community participation; ((and))
- (b) Services to be provided leading to the accomplishment of each goal ((within-specified time frames.
- (2) The division may provide handicapped individuals with independent living rehabilitation services, under WAC 490-500-605 and 490-500-610, and the services may be provided for the purposes of:
 - (a) Obtaining a satisfactory living arrangement;
 - (b) Activities of daily living including, but not limited
 - (i) Grooming;
 - (ii) Dressing;
 - (iii) Hygiene;
 - (iv) Self-care;
 - (v) Health;

 - (vi) Nutrition:
 - (vii) Cooking:
 - (viii) Shopping;
 - (ix) Time management;
 - (x) Money management; and

- (xi) Other general homemaking tasks.
- (e) Participation in family or community events, including recreational activities;
- (d) Use of transportation services or systems and/or development of mobility skills;
- (e) Access to and use of community resources necessary for the individual's independence and integration within:
 - (i) Family;
 - (ii) Community; and
 - (iii) Work-settings.
 - (f) Peer or professional counseling to:
 - (i) Adjust to one's disability;
 - (ii) Learn personal decision-making skills; and
- (iii) Gain greater control over the circumstances of one's life:
- (g) Other services needed for enhanced family or community participation)) and the anticipated duration of such services; and
 - (c) Signature of the client or the client's representative.
- (2) The division, or if appropriate, the service provider shall provide a copy of the written independent living plan and any amendments to the client or client's representative.
- (3) The division shall give the client the opportunity to redevelop the written, independent living plan as often as necessary, but at least on an annual basis.
- (4) The division, or if appropriate, the service provider shall review the written independent living plan as often as necessary but at least on an annual basis to determine whether:
- (a) Services should be continued, modified, or discontinued; or
- (b) The client should be referred for services to any other program of assistance.

NEW SECTION

WAC 490-500-622 Independent living program— Independent living services. The division or the service provider shall provide independent living program services necessary to achieve the client's rehabilitation goal, including, but not limited to:

- (1) Information and referral;
- (2) Assessments;
- (3) Independent living skills training;
- (4) Counseling, including peer counseling;
- (5) Individual and systems advocacy; and
- (6) Other independent living goods and services.

AMENDATORY SECTION (Amending Order 2982, filed 5/22/90, effective 6/22/90)

WAC 490-500-625 Independent living ((plan)) program—Termination. The division shall terminate independent living ((rehabilitation)) program services for ((an individual)) a client when the ((individual)) client:

- (1) Successfully <u>or substantially</u> completes the <u>written</u>, independent living ((rehabilitation)) plan;
- (2) ((No longer)) Is not able or does not wish((es)) to participate in services; ((er))
- (3) Is determined ineligible((-)) or is no longer eligible; or
- (4) Has been determined eligible for and is about to receive vocational rehabilitation program services.

The division, or if appropriate, the service provider shall follow procedures for termination ((shall be followed)) as required under WAC 490-500-525 ((through)), 490-500-530, and 490-500-545.

NEW SECTION

WAC 490-500-627 Independent living program—Client records. The division or the service provider, shall maintain for each client a case record which includes, at a minimum, the following:

- (1) Documentation concerning eligibility or ineligibility for services;
- (2) Documentation of the services requested by the client;
- (3) Either the written independent living plan developed with the client or a waiver signed by the client stating that a written independent living plan is unnecessary;
- (4) Documentation of the services actually provided to the client;
- (5) Documentation of the independent living goals and objectives which were:
- (a) Established with the client, whether or not in the client's written independent living plan; and
 - (b) Achieved by the client; and
- (6) To the extent pertinent, other information contained in WAC 490-500-590.

NEW SECTION

WAC 490-500-630 Statewide independent living council. (1) The state shall establish a statewide independent living council. The council shall not be established as an entity within any state agency.

- (2) The council shall provide advocacy, education, and leadership in order to:
- (a) Guide development of and promote access to independent living services and centers for independent living statewide;
- (b) Increase opportunities for self-determination and empower people with disabilities to live self-directed lives; and
- (c) Create awareness of people with disabilities as a valuable human resource.
 - (3) The governor shall appoint council members.
- (4) The council shall ensure council membership and term of office are consistent with the Rehabilitation Act, as amended, Title VII, Section 705.
 - (5) The duties of the council shall be to:
- (a) Jointly develop and sign, with the division of vocational rehabilitation and the department of services for the blind, an independent living state plan;
- (b) Monitor, review, and evaluate the implementation of the state plan;
- (c) Coordinate activities with the state rehabilitation advisory council and councils that address the needs of specific disability populations and issues under other federal law;
- (d) Hold regularly scheduled public meetings and provide sufficient, advance notice;
- (e) Submit required periodic reports to rehabilitation services administration;

- (f) Hold hearings and forums as may be necessary to carry out the council duties;
- (g) Prepare and plan for the provision of resources including council staff and personnel; and
 - (h) Supervise and evaluate council staff and personnel.
- (6) The council shall be responsible for budgeting and the proper expenditure and use of funds and resources the council receives.
- (7) The council members shall not cast a vote on any matter that may:
- (a) Provide direct financial benefit to a member or a member's organization;
 - (b) Create some other conflict of interest; or
- (c) Otherwise give the appearance of a conflict of interest.

NEW SECTION

- WAC 490-500-635 State rehabilitation advisory council. (1) The state shall establish a state rehabilitation advisory council.
- (2) The council shall advise the division on program development and the delivery of vocational rehabilitation services to individuals with disabilities in the state.
 - (3) The governor shall appoint council members.
- (4) The council shall ensure council membership and term of office are consistent with the Rehabilitation Act, as amended, Title I, Section 105.
 - (5) The council shall:
- (a) Review, analyze, and advise the division in accordance with the Rehabilitation Act, as amended, Title I relating to:
 - (i) Eligibility;
 - (ii) Extent, scope, and effectiveness of services; and
- (iii) Functions performed by state agencies that affect the ability of individuals with disabilities to achieve rehabilitation goals and objectives.
- (b) Advise the division and assist in the preparation of the state plan, strategic plan, and other applications under Title I of the Rehabilitation Act, as amended;
- (c) To the extent feasible conduct reviews and analyses of the effectiveness of the program and consumer satisfaction:
- (d) Prepare and submit an annual report to the governor and rehabilitation services administration;
- (e) Coordinate with the state independent living council and councils that address the needs of specific disability populations and issues under other federal law;
- (f) Prepare and plan for the provision of resources including council staff and personnel;
- (g) Supervise and evaluate such council staff and personnel;
- (h) Hold regularly scheduled public meetings at least four times per year and provide sufficient, advance notice; and
- (i) Hold hearings and forums as may be necessary to carry out the duties of the council.
- (6) The council shall be responsible for budgeting and the proper expenditure and use of funds and resources the council receives.
- (7) The council members shall not cast a vote on any matter that may:

- (a) Provide direct financial benefit to the member or the member's organization;
 - (b) Create some other conflict of interest; or
- (c) Otherwise give the appearance of a conflict of interest.

REPEALER

The following sections of the Washington Administrative Code are repealed:

	no repealed.	
	490-500-020 490-500-060	Preliminary diagnostic study. Criteria for the severely handi-
••••		capped.
WAC	490-500-075	Extended evaluation— Eligibility criteria.
WAC	4900-500-077	Certification for extended eval-
		uation to determine rehabilita-
		tion potential.
WAC	490-500-085	Extended evaluation—Services provided.
WAC	490-500-090	Extended evaluation—Services not provided.
WAC	490-500-095	Extended evaluation—Duration
WAC	490-300-093	and scope of services.
WAC	490-500-100	Extended evaluation—Assess-
		ment.
WAC	490-500-105	Extended evaluation—Revision
		of program.
WAC	490-500-110	Extended evaluation—Termina-
		tion.
WAC	490-500-120	Certification of termination of
	.,0 000 120	extended evaluation and notice.
WAC	490-500-145	Criteria for selection of
		service—Individualized, written
		extended evaluation plan.
WAC	490-500-255	Thorough diagnostic study.
	490-500-280	Individualized, written rehabili-
,,,,,	170 300 200	tation plan—Termination.
WAC	490-500-340	Criteria for selection of
,,,,,,	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	service—Individualized, written
		rehabilitation plan.
WAC	490-500-395	Vocational rehabilitation
,,,,,	1,0000000	services—Training—College.
WAC	490-500-400	Vocational rehabilitation servic-
******	470 300 100	es provided—Training—Trade
		schools.
WAC	490-500-405	Vocational rehabilitation servic-
11710	470 300 103	es provided—On-the-job train-
		ing (OJT).
WAC	490-500-410	Vocational rehabilitation
WAC	450-300-410	services—Training—Sheltered
		workshop.
WAC	490-500-415	Vocational rehabilitation
WAC	-170-200-1 12	services—Training materials.
WAC	490-500-417	Vocational rehabilitation
WAC	7/U-JUU -7 1/	services—Independent living.
WAC	490-500-425	Vocational rehabilitation
WAC	77U-3UU-4 <i>L</i> 3	services—Placement.
WAC	490-500-440	Vocational rehabilitation servic-
WAC	7/U-JUU-44U	es provided—Interpreter servic-
		es for deaf.
		CS TOT GCGT.

WAC 490-500-540 Completion of vocational rehabilitation program.

WAC 490-500-550 Confidential information—Disclosure.

WAC 490-500-570 Fair hearing—Adjudicative proceeding.

Reviser's note: The typographical error in the above repealer occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 95-05-003 PERMANENT RULES UTILITIES AND TRANSPORTATION COMMISSION

[Order R-426, Docket No. UT-941642—Filed February 1, 1995, 3:09 p.m.]

In the matter of amending WAC 480-120-081 relating to disconnection of service.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 95-01-120, filed with the code reviser on December 21, 1994. The commission brings this proceeding pursuant to RCW 80.01.040.

This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The commission scheduled this matter for oral comment and adoption under Notice No. WSR 95-01-120, for 9:00 a.m., Wednesday, January 25, 1995, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission until January 13, 1995.

Written comments were submitted by Terry Vann for the Washington Independent Telephone Association (WITA) and by commission staff. WITA's comments merely state that WITA's understanding is that this rule making is to clarify that before disconnection of service, at least two attempts to reach the subscriber by telephone shall be made per WAC 480-120-081 (5)(b), and state WITA's support for what the commission proposes. WITA's understanding of the proposed rule is correct. Commission staff's comments are that the rule should be adopted as proposed because it corrects an error in amendments approved in Docket UT-940049 which would require a change in collection practices that had not been intended.

The rule change proposal was considered for adoption at the commission's regularly scheduled open public meeting on January 25, 1995, before Chairman Sharon L. Nelson, Commissioner Richard Hemstad and Commissioner William R. Gillis. Commission staff lead Mary Taylor spoke in support of the proposed rule. No public comments were made.

After considering the written and oral comments, the commission adopted the proposed rule.

The commission made no changes from proposed to adopted version.

In reviewing the entire record, the commission determines that WAC 480-120-081 is should be amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380.

ORDER

THE COMMISSION ORDERS That WAC 480-120-081 is amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380.

THE COMMISSION FURTHER ORDERS That this order and the rule shown below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

THE COMMISSION Adopts the commission staff memoranda, presented at the times the commission considered noticing and adopting this proposal, together with the summary of written and oral comments and commission response, and the above statement that there is no difference between noticed and adopted text, as its concise explanatory statement of the reasons for adoption, and for any variances between noticed and adopted versions, under RCW 34.05.355. It adopts the memoranda, together with the above summary of oral comments and commission response, as its summary of all comments received and substantive response, under RCW 34.05.325(6).

DATED at Olympia, Washington, this 31st day of January 1995.

Washington Utilities and Transportation Commission
Richard Hemstad, Commissioner
Wm. R. Gillis, Commissioner

AMENDATORY SECTION (Amending Order R-422, Docket No. UT-940049, filed 9/22/94, effective 10/23/94)

WAC 480-120-081 Discontinuance of service. (1) By subscriber - a subscriber shall be required to give notice to the telecommunications company of his intention to discontinue service.

- (2) By telecommunications company service may be discontinued by the telecommunications company for any of the following reasons:
- (a) For the nonpayment of bills. The telecommunications company shall require that bills for service be paid within a specified time after issuance. The minimum specified time shall be fifteen days. Upon the expiration of said specified time without payment, the bill may be considered delinquent.
- (b) For tampering with the telecommunications company's property.
 - (c) In case of vacation of the premises by subscriber.
- (d) For nonpayment of any proper charges including deposit, as provided in the tariff or pricelist of the telecommunications company. Nonpayment of charges billed by the telecommunications company on behalf of information providers shall not be grounds for discontinuance of service in whole or in part. Nonpayment of interexchange carrier charges shall not be grounds for disconnection of local

service. However, the telecommunications company may toll restrict a subscriber's service for nonpayment of proper interexchange carrier charges. Disputed third party billed charges shall not be grounds for disconnection of service in whole or in part.

- (e) For violation of rules, service agreements, or filed tariff(s).
- (f) For use of subscriber equipment which adversely affects the telecommunications company's service to its other subscribers.
- (g) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the telecommunications company may discontinue service without notice: Provided, however, That if the subscriber shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the telecommunications company shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the telecommunications company may refuse to reestablish service, subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the telecommunications company in case of an appeal to the commission. This rule shall not be interpreted as relieving the subscriber or other person of civil or criminal responsibility.
- (h) For unlawful use of service or use of service for unlawful purposes.
- (3) When a local exchange telecommunications company has cause to totally disconnect or has totally disconnected a residential service, it shall postpone disconnection of local service or shall reinstate local service after receiving either verbal or written notification of the existence of a medical emergency for a grace period of five business days. When service is reinstated, payment of a reconnection charge and/or deposit shall not be required prior to reinstatement of local service.
- (a) The local exchange company may require that the subscriber within five business days submit written certification from a qualified medical professional stating that the disconnection of local service would significantly endanger the physical health of the subscriber, a member of the subscriber's family or another permanent resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this section precludes a company from accepting other forms of certification but the maximum the company can require is written certification. If the company requires written certification, it may require that the certification include some or all of the following information:
- (i) The name of the resident whose health would be affected by the disconnection of local service;
 - (ii) The relationship to the subscriber;
 - (iii) A description of the health condition;
- (iv) An explanation of how the physical health of the person will be endangered by disconnection of local service;
- (v) A statement of how long the condition is expected to last; and
- (vi) The title, signature and telephone number of the person certifying the condition.

- (b) A medical emergency does not excuse a subscriber from paying delinquent and ongoing charges. The company may require that the subscriber do the following within the five business day grace period: Pay a minimum of twenty-five percent or ten dollars of the delinquent balance, whichever is greater; and enter into an agreement to pay the remaining delinquent balance within ninety days and to pay subsequent bills when due. Nothing in this section precludes the company from agreeing to an alternate payment plan, but the company may not require the subscriber to pay more than this subsection prescribes. The company shall send a notice confirming the payment arrangements within two business days.
- (c) If within the five-day grace period the subscriber fails to provide acceptable certification or fails to make payment or enter into an acceptable payment arrangement, the company may disconnect local service without further notice.
- (d) If the subscriber fails to abide by the terms of the payment agreement the company may disconnect local service following notification provided for in subsection (5)(b) of this section.
- (e) The medical certification shall be valid only for the length of time the health endangerment is certified to exist but no longer than six months without renewal.
- (4) A subscriber's service shall be treated as continuing through a change in location from one premises to another within the same service area if a request for service at the new premises is made prior to disconnection of service at the old premises and service is not subject to termination for cause. A subscriber shall be entitled to the same type of service at the new premises unless precluded by the tariff or pricelist of the company.
- (5) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no telecommunications company shall discontinue service unless the following conditions are met:
- (a) Each telecommunications company shall provide, subsequent to a subscriber's account becoming delinquent, written notice of disconnection served on the subscriber either by mail or, at its option, by personal delivery of the notice to the subscriber's address. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the subscriber. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within ten working days of the first day on which disconnection may be effected, unless other mutually acceptable arrangements have been made, that disconnect notice shall become void and a new notice shall be required before the service can be discontin-
- (b) Before effecting disconnection of service, a telecommunications company shall make a good faith, bona fide effort to reach the subscriber in person or by telephone to advise the subscriber of the pending disconnection and the

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reasons therefor. Where telephone contact is elected, at least two attempts to reach the subscriber by telephone ((at the service number)) during reasonable hours shall be made. If a business or message telephone is provided by the subscriber, the telecommunications company shall endeavor by that means to reach the subscriber if unable to make contact through the subscriber's service telephone number. A log or record of the attempts shall be maintained by the telecommunications company showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified below. Telephone or personal contact need not be attempted when:

- (i) The company has had cause in any two previous billing periods during a consecutive twelve-month period to attempt such contact; and
- (ii) The company has notified the subscriber in writing that such telephone or personal contact will not be attempted in the future before effecting disconnection of services.

All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the subscriber can make contact with the telecommunications company to resolve any differences. All notices must accurately state amounts owing for service(s) which are subject to disconnection. A new notice will be required in cases where information is incorrect.

- (c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the telecommunications company cannot reestablish service on the same or following day.
- (d) When a telecommunications company employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the subscriber's account. When disconnection is not effected due to such payment the telecommunications company shall be permitted to assess a reasonable fee as provided for in the tariff of the telecommunications company for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.
- (e) Where the telecommunications company has reasonable grounds to believe service is to other than the subscriber of record, the company shall undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum-period of five business days shall be allowed to permit the service users to arrange for continued service.
- (f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the secretary, Washington state department of social and health services, as well as to the subscriber. Upon request from the secretary or his designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary

in its view to protect the interests of patients resident therein who are responsibilities of the department.

- (g) Service may not be totally disconnected while a subscriber is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The subscriber shall be so informed by the telecommunications company upon referral of a complaint to a company supervisor or the commission.
- (h) Where a subscriber's toll charges substantially exceed the amount of any deposit or customary utilization, and where it appears the subscriber will incur excessive, uncollectible toll charges while an appeal is being pursued, the telecommunications company may, upon authorization from the commission, disconnect service. A subscriber whose service is so eligible for disconnection may maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the subscriber's favor.
- (6) Payment of any delinquent amount to a designated payment agency of the telecommunications company shall constitute payment to the company, if the subscriber informs the company of such payment and the company verifies such payment.
- (7) Service shall be restored when the causes of discontinuance have been removed and when payment or satisfactory arrangements for payment of all proper charges due from the applicant, including any proper deposit, has been made as provided for in the tariff or pricelist of the telecommunications company; or as the commission may order pending resolution of any bona fide dispute between the telecommunications company and the subscriber or applicant over the propriety of disconnection.
- (8) A telecommunications company may make a charge for restoring service when service has been discontinued or toll restricted for nonpayment of bills. The amount of such charge is to be specified in the telecommunications company's tariff or pricelist.

When service is disconnected for nonpayment of a bill it may be either completely disconnected, toll restricted or partially disconnected. Toll restriction must allow access to emergency numbers such as 911. Partial disconnection means telephone service will be restricted to either incoming or outgoing service. In case of a partial disconnection, the subscriber shall be notified of the restricted usage. Upon any complete disconnection of telephone service to a subscriber, charges for service will be discontinued as of the date of the disconnection.

WSR 95-05-006 PERMANENT RULES LIQUOR CONTROL BOARD

[Filed February 1, 1995, 3:40 p.m.]

Date of Adoption: January 25, 1995.

Purpose: To change the minimum penalty for violations, taking into consideration existing business practices and economics.

Citation of Existing Rules Affected by this Order: Amending WAC 314-12-170.

Statutory Authority for Adoption: RCW 66.08.030.

Pursuant to notice filed as WSR 94-24-052 on December 5, 1994.

Effective Date of Rule: Thirty-one days after filing.

January 26, 1995

Joe McGavick

Chairman

AMENDATORY SECTION (Amending Order 258, Resolution No. 267, filed 8/10/88)

WAC 314-12-170 Minimum penalty. When the board, pursuant to RCW 66.24.010 and 66.24.120, determines to suspend a liquor license and/or vacate a license suspension upon payment of a monetary penalty, then such license suspension shall not, in any event, be less than three operating days nor shall such monetary penalty, in any event, be less than ((five)) one hundred dollars.

WSR 95-05-008 PERMANENT RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 95-11—Filed February 1, 1995, 4:57 p.m., effective May 1, 1995]

Date of Adoption: January 28, 1995. Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-001, 232-12-151, 232-12-619, and 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040. Pursuant to notice filed as WSR 94-22-087 on November 2, 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 232-12-001, steelhead definition changed from "nonlandlocked" to "searun"; definition of natural bait deleted; fish "length" replaces fish "size"; "harvester" replaces "person who has harvested the fish or game"; "are used in decorations on the hook and" removed from fly fishing definition.

WAC 232-12-619, annual limit for steelhead clarified; selective fishery rules clarified that barbless hook used must be a single hook; traditional April opening day identified as last Saturday in April; Sammamish River mouth identified as 68th Avenue N.E. Bridge; White Salmon River mouth identified as downstream of the Burlington Northern Railroad Bridge; nonbuoyant lure and night fishing restrictions combined and option chosen was listing of affected waters; Tokul Creek from mouth to cable markers December 1 through March 31 added to list of nonbuoyant lure/night closure restricted waters.

WAC 232-28-619, opening date of April 29 changed to last Saturday in April throughout this section; year around openings in Whitman and Lincoln counties withdrawn; Alkali Lake closed to taking of walleye; Lake Sammamish December 1 through June 30 no retention of steelhead or rainbow over 20 inches in length; Snohomish and Stillaguamish rivers wild steelhead release May 1 through November 30; Lake Washington and Lake Washington Ship Canal December 1 through June 30 no retention of steelhead or rainbow trout over 20 inches in length; Abernathy Creek release all steelhead June 1 through October 31; Big White

Salmon River powerhouse to Northwestern Dam open November 16 through June 15; Cowlitz Falls Reservoir Cowlitz and Cispus arms defined; Germany Creek release all steelhead June 1 through October 31; Horseshoe Lake closed after October 31; Mill Creek release all steelhead June 1 through October 31; steelhead closure on Newaukum withdrawn; Spirit Lake closed; Columbia River barbless hook requirement withdrawn.

Effective Date of Rule: May 1, 1995.

January 28, 1995 Robert Turner for John McGlenn Fish and Wildlife Commission Chair

AMENDATORY SECTION (Amending Order 617, filed 10/20/93, effective 4/16/94)

WAC 232-12-001 Definition of terms. Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless ((the context clearly requires)) otherwise provided:

- (1) "Snagging" ((, gaffing, or spearing)) means ((: An effort to impale game fish in a part of its body other than its mouth by use of hooks or other devices)) an effort to take fish with a hook and line in a manner such that the fish does not take the hook voluntarily in its mouth.
- (2) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.
- (3) "Spearing" and "spear fishing" means an effort to take fish by impaling the fish on a shaft, arrow, or other device.
- (((2))) (4) A "valid" license, permit, tag, stamp or ((puneheard)) catch record card means((÷)) a license, permit, tag, stamp, or ((puneheard)) catch record card that was issued to the bearer for the current season ((by the commission)) and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.
- (((3))) (5) "Hook" means((+)) one single, double, or treble hook. A "single hook" means a hook having a single point; a "double hook" means a hook having two points on a common shank; and a "treble hook" means a hook having three points on a common shank. "Barbless hook" means a hook on which all barbs have been deleted when manufactured, filed off, or pinched down.
- (((4) Barbless hook means: A single, pointed hook from which all barbs have been filed off, pinched down, removed or deleted when manufactured.
- (5))) (6) "Falconry" means((÷)) possession, control, or use of a raptor for the purpose of hunting and free flight training.
 - (((6))) <u>(7) "Anadromous game fish"</u> means:
- (a) Steelhead trout, Oncorhynchus mykiss, defined as any searun rainbow trout over twenty inches in length
 - (b) Searun cutthroat, Oncorhynchus clarkii
 - (c) Searun Dolly Varden, Salvelinus malma
- (((7))) (8) "Handgun" means((÷)) any pistol, revolver or short firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.
- (((8))) (9) "Lure" ((or fly)) means((+)) a manufactured article constructed of feathers, hair, fiber, wood, metal, glass,

cork, leather, rubber or plastic which does not use scent and/or flavoring to attract fish. ((A lure or fly may not have more than three hooks attached. When fishing with a lure or fly, fish may be released until the catch limit is retained.)) "Nonbuoyant lure" means a lure, complete with hooks, swivels or other attachments, that does not float in freshwater

(((9))) (10) "Bait" means((÷)) any substance which attracts fish or wildlife by scent and/or flavor. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which uses scent and/or flavoring to attract fish or wildlife.

- (((10) Steelhead means: A searun rainbow trout over twenty inches in length.))
- (11) "Possession limit" means((:- A two-day eatch)) the number of daily limits ((of game fish)) allowed to be retained in the field or in transit.
- (12) ((Selective fishery regulations: Only artificial flies or lures with a barbless hook are allowed; bait is prohibited; fish may be released until the eatch limit is retained. No one may fish from any floating device equipped with a motor, except where specifically allowed under special regulations for individual waters. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.
- (13) Fly fishing means: In waters designated as "fly fishing only" an angler may use: A dry fly, bucktail fly, wet fly, nymph or streamer with not more than one, single-pointed barbless hook; a conventional fly line at least twenty five feet in length, with a back up line of any kind behind the fly line. In waters designated as "fly fishing only" an angler may not fish from any floating device equipped with a motor, except where specifically allowed under-special regulations for individual waters. When fishing with a lure or fly, fish may be released until the eatch limit is retained.)) "Daily limit" means the maximum number of game fish which a person may legally retain in a single day.
- (((14))) <u>(13)</u> "Boat fishing"((÷)) means fishing while in or on a boat, raft, or any other floating device.
- (((15))) (14) "Catch-and-release"((÷)) means a type of angling where none of the fish caught are retained by the angler.
- (((16) Daily eatch limit: The maximum number of fish of a given species and size which a person may legally retain in a single day. When you are fishing with bait, all legal trout are counted as part of the daily eatch limit, whether kept or released. Steelhead may be caught and released while using bait until the daily eatch limit is retained.
- (17))) (15) "Fish in possession"((÷)) means any fish retained, secure from escape, whether dead or alive. Bass or Walleye may be caught, retained, and released alive from a livewell until a daily ((eatch)) limit is in possession.
- (((18))) (16) "Mouth" of stream, river, or slough((÷)) means those waters upstream of a line projected between the outermost uplands at the mouth. Outermost uplands means those lands are not covered by water during an ordinary high water.
- (((19) Maximum size limit:)) (17) Fish length means the ((lengest)) length of a fish ((of a given species that an angler may keep,)) measured from snout to tip of tail (not fork).

- (((20) Minimum size limit: The shortest length of a fish of a given species that an angler may keep, measured from snout to tip of tail (not fork).
- (21) Night-elosure: On those waters where night elosures are specified, it is unlawful to fish from one hour after official sunset to one hour before official sunrise.
- (22)) (18) Slough((÷)) means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Many waters commonly called sloughs are not connected to a river and, therefore, are considered lakes.
- (((23) Wild cutthroat release: Only cutthroat trout with missing adipose fins may be possessed. There must be a healed sear in the location of the missing fin.
- (24) Wild steelhead release: Only steelhead with missing adipose or ventral fins may be possessed. There must be a healed sear in the location of the missing fin. It is unlawful to use a gaff hook to land steelhead in waters designated "wild steelhead release."
- (25) Free fishing-weekends: The weekends corresponding with National Fishing Week-have been declared as family fishing weekends in Washington. On these weekends fishing licenses will not be required to fish for game fish, except steelhead trout. These free fishing days are valid for everyone, regardless of residency or age. All other regulations remain in effect. Only waters open to fishing may be fished; lure and/or bait restrictions and size and eatch limits currently in place must be followed.))
- (19) "In the field or in transit" means any place other than in the residence or residential equivalency of the harvester, or in a residence where the harvester is an invited guest. A residential equivalency is any temporary domicile that has sleeping, cooking and toilet facilities, and includes hotels and motels, motor homes, the living quarters of vessels so equipped, camp trailers, and enclosed areas within fishing and hunting camps where a reasonable expectation of privacy is demonstrated, but does not include cold storage lockers, charter boats, or public facilities.

AMENDATORY SECTION (Amending Order 177, filed 1/28/82)

- WAC 232-12-151 Fly fishing rules. (1) It is unlawful to fish for game fish in waters designated as "fly fishing only" with the use of:
 - (((1))) (a) A fixed spool reel.
- (((2))) (b) Fishing line other than conventional fly line, except ((monofilament)) other line may be used ((as backup line)) for backing and leader if it is attached to not less than twenty-five feet of conventional fly line ((at-the terminal end)).
 - (((3) Weight attached to the leader-or-line.
 - (4) Bait.
- (5) A lure other than a dry fly, bucktail fly, wet fly, nymph or streamer, with a single pointed hook.)) (c) Monofilament leader that has a breaking strength of more than 12 pounds.
- (d) Hooks that exceed 1/2 inch when measured from point to shank.
 - (e) A lure other than a fly with a barbless single hook. (f) Bait.
 - (g) Weight attached to the leader or line.

(2) "Fly" means a lure on which thread, feathers, hackle, or yarn cover a minimum of half the shank of the hook. Metallic colored tape, tinsel, mylar, or beadeyes may be used as an integral part of the design of the fly pattern.

AMENDATORY SECTION (Amending Order 617, filed 10/20/93, effective 4/16/94)

WAC 232-12-619 ((1994-95)) Permanent Washington state-wide game fish regulations. ((These regulations are effective from April 16, 1994, to April 15, 1995, both dates inclusive.)) The following state-wide regulations apply to all waters unless modified under regional regulation exceptions.

(1) Fishing seasons open at 12:01 a.m. on the first day

and close at 11:59 p.m. on the last day.

((State-wide regulations.

Taking and possessing game fish.))

(2) It is unlawful to:

- (a) Use a gaff hook to land steelhead in waters designated as "wild steelhead release."
- (b) Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow. A hunting license is required to take bullfrogs.
- (c) Feed or use any substance to attract game fish unless specifically authorized by special regulations.
 - (d) Fish for game fish with a bow and arrow or spear.
- (e) Possess fish which are under the minimum size or over the maximum size as shown in general or special regional regulations.
- (3) Annual limit steelhead trout only: Each <u>adult</u> angler who possesses a valid steelhead ((permit)) <u>catch</u> record card may <u>not</u> retain <u>more than</u> thirty steelhead over twenty inches in length per year (May 1 to April 30).

((Licenses - requirements.

When taking bullfrogs, a hunting or fishing license is required.

1994-95 license fees.))

- (4) Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.
- (5) Selective fishery regulations: In waters designated as being under selective fishery regulations, only artificial flies with a barbless single hook or lures with a barbless single hook are lawful. It is unlawful to use bait. Fish may be released until the daily limit is retained. It is unlawful to fish from any floating device equipped with a motor, unless specifically allowed under special rules for individual waters.

(6) Night closure: In waters designated as having a night closure, it is unlawful to fish from one hour after official sunset to one hour before official sunrise.

- (7) Wild cutthroat release: In waters requiring a wild cutthroat release, it is unlawful to possess any cutthroat that does not have a missing adipose fin and a healed scar in the location of the missing fin.
- (8) Wild steelhead release: In waters requiring wild steelhead release, it is unlawful to possess any steelhead trout that does not have a missing adipose or ventral fin and a healed scar at the location of the missing fin.

- (9) Free fishing weekends: The weekends corresponding with National Fishing Week have been declared as family fishing weekends in Washington. On these weekends a fishing license is not required for any person, regardless of residency or age, to fish for or possess game fish, except that it is unlawful to fish for or possess steelhead trout without the required license and catch record card. During free fishing weekends only the licensing requirement is affected, and all other rules remain in effect.
- (10) Trout taken with bait: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, except steelhead trout may be caught and released while using bait until the daily limit is retained.
- (11) Fish taken with artificial flies and lures: Where use of bait is prohibited, or where artificial flies or lures are used voluntarily, fish may be released until the daily limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to so.

((STATE WIDE REGULATIONS:

LAKES, PONDS, & RESERVOIRS, AND RIVERS, STREAMS & BEAVER PONDS:

STATE WIDE REGULATIONS APPLY TO ALL WATERS, UNLESS WATERS ARE MODIFIED UNDER EXCEPTIONS TO REGIONAL REGULATIONS.))

(12) OPEN SEASONS:

LAKES, PONDS, AND RESERVOIRS:

YEAR AROUND, unless specified otherwise under Exceptions - Regional Regulations.

RIVERS, STREAMS AND BEAVER

PONDS:

JUNE 1 THROUGH OCTOBER 31, unless specified otherwise under Exceptions - Regional Regulations.

Note: ((Dates)) The date set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years ((are as

April 30, 1994, April 25, 1995, April 27, 1996, and)) is the last Saturday in April ((26, 1997)).

Waters managed under April through October seasons are listed under the Exceptions - Regional Regulations.

(13) Daily limits and minimum sizes:

GAME FISH SPECIES

DAILY ((CATCH)) LIMIT

MINIMUM SIZE LIMIT

BASS

Five - not more than three over fifteen inches

None

Bass may be caught, retained, and released alive from a livewell until a daily ((eatch)) limit is in possession.

GRASS CARP....It is unlawful to fish for or retain grass carp.

TROUT((* (See listing below for species included.)))

A combined total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds (except Eastern Brook Trout).

None in Lakes, Ponds, and Reservoirs.

No more than two of the combined trout daily catch limit of 5 may be Steelhead. Wild Steelhead Release June 1-November 30.

Eight inches in Rivers, Streams, and Beaver Ponds. WSR 95-05-008 Five - to be considered None Abernathy Creek Highway 4 Bridge. EASTERN BROOK TROUT part of the combined trout Bear River Highway 101 Bridge. daily catch limit. (Salvelinus Bone River Highway 101 Bridge. fontinalis) U.P. Railway Bridge Chehalis River The following game fish species are managed as trout for purposes of the daily (a) in Aberdeen. A line projected Cowlitz River Eastern brook trout across the river Brown trout Cutthroat trout between two fishing Dolly Varden/Bull trout boundary markers Golden trout set on each bank of Kokanee/Silver trout Lake trout the river approximately Landlocked Atlantic salmon one-half mile down-Rainbow trout/Steelhead stream from the The daily ((eatch)) limit for trout caught in either lakes or streams is a lowermost railroad combined total and must not exceed five. bridge crossing the ((STATE-WIDE: Cowlitz River. Dolly Varden/Bull Trout:)) A line from the outer-Dakota Creek All waters, state-wide, are CLOSED YEAR AROUND to fishing for or (c) most headland of the retaining Dolly Varden/Bull Trout. south bank to a house Where exceptions to the above closure for Dolly Varden/Bull Trout occur under at 1285 Runge Avenue, individual listings in the Exceptions - Regional Regulations, Dolly Varden/Bull Trout count as part of the combined trout daily ((eateh)) limit of five Blaine, Washington, approximately one-Eighteen inches WALLEYE Five, not more than quarter mile one over twenty-four downstream from the inches Blaine Road Bridge. Walleye may be caught, Drano Lake Highway 14 Bridge. retained, and released First Avenue South alive from a livewell **Duwamish River** until a daily ((eatch)) Bridge. limit is in possession. Elk River Highway 105 Bridge. WHITEFISH Fifteen None Highway 97 Bridge. Entiat River ALL OTHER GAME FISH No Limit None Highway 101 Bridge. Hoquiam River Mouth of Jessie BUILLFROGS Ten None Humptulips Slough. River ((*TROUT: - Game fish species managed as "Trout" include Highway 105 Bridge. Johns River the following: Boundary markers Kalama River located at the mouth. **Brook-Trout** An arc 500 yards Kennedy Creek **Brown Trout** east of the midpoint **Cutthroat Trout** of the northbound Dolly Varden/Bull Trout: Note: (See Dolly Varden/Bull Highway 101 Bridge. Trout entry above). Lake Washington A line 400 feet west Golden Trout of the fish ladder at Ship Canal Kokance (Silver Trout) the Chittenden Locks. Lake Trout (Mackinaw) Lewis River Boundary markers at **Landlocked-Atlantic Salmon** the mouth. Rainbow Trout Little White At boundary markers Steelhead: Note: (See Steelhead entry above). Salmon River on the river bank When fishing with bait, all trout equal to or greater than the downstream from minimum size are counted as part of the daily eatch limit the Little White whether kept or released. Salmon National Fish Steelhead may be eaught and released while using bait until the Hatchery. daily eatch limit is retained: Highway 97 Bridge. Methow River Where use of bait is prohibited, or where artificial lures or flies Nasselle River Highway 101 Bridge. are used voluntarily, fish may be released until the daily eatch Highway 101 Bridge. North Nemah limit is retained: River If any fish has swallowed the hook or is hooked in the gill, eye Niawiakum River Highway 101 Bridge. or tongue, it should be kept if legal to do so:)) Highway 105 Bridge. North River (14) Possession limit. Except as otherwise provided, the Highway 101 Bridge. Palix River

11th Street Bridge.

(Bayview-Edison

Road).

Samish Island Bridge

Puyallup River

Samish River

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(15) River mouths. The following river mouth defini-

tions are exceptions to the general river mouth definition:

possession limit is two daily limits.

Sammamish River	68th Ave. N.E. Bridge.	Wind River	Boundary line/markers
Skagit River	A line projected from	Willia Tavoi	at mouth.
	the terminus of the	Willapa River	South Bend boat
	jetty with McGlinn		launch.
	Island to the white	Yakima River	Highway 240 Bridge.
	monument on the		· -
	easterly end of Ika	(16) Nonbuoyant lure and n	
	Island, then to a white	the following waters and durin	
	monument on the west-	unlawful to use a nonbuoyant lu	
	erly end of Craft	single hook or has a hook measuring more than 3/4 inch	
	Island, then to a white	point to shank and a night closu	re is in effect:
	monument near the	<u>Area</u>	Time period
	corner of the levee		
	on the westerly	Naselle River	September 1-November 30
	side of Dry Slough,	Willapa River	September 1-November 30
	and then to a	Humptulips River	September 1-November 30
	white monument on the	Satsop River	September 1-November 30
	easterly side of Tom	North Nemah River	September 1-November 30
	Moore Slough.	Dungeness and Gray Wolf	
Skamokaw Creek	Highway 4 Bridge.	Rivers	August 1-October 15
Skookum Creek	A line 400 yards below	Kennedy Creek	October 1-December 31
	the old railroad bridge.	South Fork Nooksack River	August 1-December 31
Snohomish River	Burlington Northern	Big Quilcene River	August 1-December 31
	Railway Bridges	Samish River	August 1-December 31
,	crossing main river	Stillaquamish River	August 1-December 31
	and sloughs.	Whatcom Creek	August 1-December 31
South Nemah	T D: 117.1	Cowlitz River	
River	Lynn Point 117 degrees	From Mill Creek to Barrier	A
	true to the opposite	Dam Kolomo Divor	April 1-October 31
Tuesaman Creek	shore.	Kalama River From 200 feet above Modrow	
Tucannon Creek	State Highway 261	Trap to mouth	September 1-October 31
Wallage Diver	Bridge. The firsthest	North Lewis River	September 1-October 31
Wallace River	The furthest	From overhead powerlines belo	
	downstream rail- road bridge.	Ariel Dam to lower Cedar	<u> </u>
Washougal River	A straight line projected	Creek Boat Ramp	April 1-October 31
washougal River	from the James River	Washougal River	April 1-October 31
	pumphouse	Downstream of Salmon Falls	
	southeasterly across	Bridge	September 1-October 31
	the Washougal	Icicle River	·
	River to the east	From Leavenworth Federal Fish	h
	end of Highway	Hatchery to mouth	May 8-June 30
	14 Bridge at the	Wenatchee River	
	upper end of Lady	From mouth of Icicle River to	
•	Island.	Highway 2 Bridge	May 8-June 15
Whatcom Creek	A line projected	Skagit River (and tributaries)	
	approximately 14	Upstream of Gilligan Creek	July 1-November 30
	degrees true from	Tokul Creek	
_	the flashing light	From mouth to posted cable	
	to the south-	<u>markers</u>	December 1-March 31
	westerly end of	(17) Freshwater fishing hou	irs. It is unlawful to fish
	the Port of	during a night closure. A night	closure is in effect for all
	Bellingham North	waters during the period of a nor	buoyant lure restriction
	Terminal to the	de la portou or a nor	junt tuto resultation.
	southernmost point of	Reviser's note: The spelling error	in the above section occurred in
	the dike surrounding	the copy filed by the agency and appear	s in the Register pursuant to the
	the Georgia Pacific	requirements of RCW 34.08.040.	
	treatment pond.	·	
White Salmon	Markers downstream		
<u>River</u>	of the Burlington	•	
	Northern Railroad		
	Bridge.		

Washington State Register, Issue 95-05

AMENDATORY SECTION (Amending Order 617, filed 10/20/93, effective 4/16/94)

WAC 232-28-619 ((1994-95)) Washington game fish seasons and ((enteh)) daily limits—Regional regulation exceptions. Region I.

Description: That area of the state contained within the boundaries of Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties.

((All state-wide regulations apply to all Region I waters unless specifically exempted or amended by Exceptions - Region I regulations (listed for separate waters and categories of waters).))

When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.

When fishing near Snake River dams, be aware of restricted zones upstream and downstream of the dams.

Exceptions - Region I Regulations: State-wide regulations apply to all waters except where modified in special regulations below.

Amber Lake: ((April 30)) Last Saturday in April through September 30 season. Trout - ((eatch)) daily limit - two, minimum length fourteen inches. Selective fishery regulations, except electric motors allowed. Additional season October 1 through November 30, catch-and-release only, single barbless hooks ((-)), selective fishery regulations.

Alpowa Creek: ((April 30)) Last Saturday in April through June 30 season.

Asotin Creek, from mouth upstream to SR129 Bridge: Year around season. Closed to fishing for steelhead.

From SR129 Bridge upstream to the forks: Trout - ((eateh)) daily limit - eight. Closed to fishing for steelhead. Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Trout - ((eateh)) <u>daily</u> limit - eight. Closed to fishing for steelhead. Selective fishery regulations.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

B.C. Mill Pond: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Badger Lake: ((April 30)) <u>Last Saturday in April</u> through September 30 season.

Bayley Lake (Stevens County): ((April-30)) Last Saturday in April through July 4 season. Trout - ((eateh)) daily limit - two, minimum length fourteen inches. Fly fishing only. Use of motors prohibited.

Additional season. July 5 through October 31. Catchand-release, fly fishing only. Use of motors prohibited. Inlet stream: Closed waters.

Beaver Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Big Four Lake: March 1 through July 31 season. Trout - ((eateh)) daily limit - two. Fly fishing only. Fishing from any floating device prohibited.

Big Meadow Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Black Lake (Stevens County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

Blue Creek (Walla Walla County): ((April 30)) <u>Last</u> <u>Saturday in April</u> through June 30 season.

Blue Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Browns Lake and inlet streams (Pend Oreille County): Fly fishing only. ((April 30)) Last Saturday in April through October 31 season.

Burbank Slough: Fishing from any floating device prohibited.

Caldwell Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Trout - ((eateh)) <u>daily</u> limit - two minimum length twelve inches. Internal combustion engines prohibited.

Calispell River, from mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective fishery regulations.

Carl's Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Cedar Lake (Stevens County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

Chapman Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Trout - ((eateh)) <u>daily</u> limit - ten, at least five of which must be kokanee. Feeding (chumming) permitted.

Chewelah Creek, forks and tributaries: Selective fishery regulations.

((Columbia River and impoundments and all connecting sloughs—see regulations page . . .))

Colville River, from mouth to bridge at Town of Valley: Year around season.

From Valley upstream and tributaries: Selective fishery regulations.

Conger Pond: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Coppei Creek: ((April 30)) <u>Last Saturday in April</u> through June 30 season.

Cottonwood Creek (Asotin County): Closed to fishing for steelhead.

Cottonwood Creek (Lincoln County), outside city limits of Davenport: ((April 30)) Last Saturday in April through September 30 season.

Crescent Lake (Pend Oreille County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

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Curl Lake: June 1 through October 31 season. Fishing from any floating device prohibited.

Davis Lake (Ferry County): ((April 30)) <u>Last Saturday</u> in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only (under fifteen years old).

Deadman Creek (Garfield County): Year around season.

Deep Lake (Stevens County): ((April 30)) <u>Last Saturday</u> in April through October 31 season.

Deer Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Deer (Deer Springs) Lake (Lincoln County): ((April 30)) Last Saturday in April through September 30 season.

Deer Lake (Stevens County): ((April 30)) <u>Last Saturday</u> in April through October 31 season. Trout, no more than two over twenty inches in length.

Diamond Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Downs Lake: ((April 30)) <u>Last Saturday in April</u> through September 30 season.

Dry Creek (Walla Walla County): ((April 30)) <u>Last</u> Saturday in April through June 30 season.

Elbow Lake (Stevens County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

Ellen Lake (Ferry County): ((April 30)) Last Saturday in April through October 31 season.

Empire Lake (Ferry County): ((April 30)) <u>Last Saturday</u> in April through October 31 season.

Fan Lake: ((April 30)) <u>Last Saturday in April</u> through September 30 season. Internal combustion engines prohibited.

Fishhook Pond (Walla Walla County): ((April 30)) <u>Last Saturday in April</u> through October 31 season. Fishing from any floating device prohibited.

Fish Lake (Ferry County): ((April 30)) <u>Last Saturday</u> in April through October 31 season.

Fish Lake (Spokane County): ((April 30)) <u>Last Saturday in April</u> through September 30 season. Internal combustion engines prohibited.

Fishtrap Lake: ((April 30)) <u>Last Saturday in April</u> through September 30 season.

Fourth of July Lake: December 1 through March 31 season. Trout, no more than two over fourteen inches in length. Internal combustion engines prohibited.

Frater Lake: ((April 30)) Last Saturday in April through October 31 season.

Garfield Juvenile Pond (Whitman County): Juveniles only (under fifteen years old).

Gillette Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Goose Creek (Lincoln County), within the city limits of Wilbur: Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses only.

Grande Ronde River, from mouth to County Road Bridge about two and one-half miles upstream: Year around season. Trout, minimum length twelve inches, maximum length twenty inches. Retaining steelhead is prohibited. Selective fishery regulations September 1 through May 31.

From County Road Bridge upstream to Oregon state line and all tributaries: ((June)) <u>September</u> 1 through April ((30)) 15 season.

Note: Cottonwood Creek is closed to fishing for steelhead. Trout, minimum length twelve inches; selective fishery regulations June 1 through August 31. Only steelhead with missing adipose fins may be possessed September 1 through April 15. There must be a healed scar in the location of the missing fin.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Harvey Creek (tributary to Sullivan Lake), from mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 on county road upstream: Selective fishery regulations.

Hatch Lake (Stevens County): December 1 through March 31 season.

Headgate Pond: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses.

Heritage Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Hog Canyon Lake: December 1 through March 31 season. Trout, no more than two over fourteen inches <u>in length</u>.

Horseshoe Lake (Pend Oreille County): ((April 30))

<u>Last Saturday in April</u> through October 31 season. Trout - ((eateh)) <u>daily</u> limit - ten, at least five of which must be kokanee. Feeding (chumming) permitted.

Huff Lake (Pend Oreille County): Closed waters.

Jefferson Park Pond (Walla Walla County): ((April 30))
Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Jump-Off Joe Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Kalispell Creek and tributaries: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Selective fishery regulations.

Kettle River, from the Burlington-Northern Railroad bridge at Twin Bridges upstream to Napoleon Bridge: June 1 through March 31 season. Walleye - ((eatch)) daily limit - eight, no more than one over twenty inches in length. Only walleye less than sixteen inches or over twenty inches in length may be kept. Trout, minimum length twelve inches.

From Napoleon Bridge upstream: Trout, minimum length twelve inches; selective fishery regulations. Only single pointed hooks may be used. Additional season: November 1 through May 31, catch-and-release only, selective fishery regulations. Exception: Bait and single pointed barbed hook may be used for whitefish only November 1 through March 31.

Kings Lake and tributaries: Closed waters.

Latah (Hangman) Creek: Year around season.

Ledbetter Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Ledking Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Leo Lake: ((April 30)) Last Saturday in April through October 31 season.

Liberty Lake: ((April 30)) <u>Last Saturday in April</u> through September 30 season.

Little Lost Lake (Pend Oreille County): ((April 30))

<u>Last Saturday in April</u> through October 31 season.

Little Spokane River, from mouth to SR 291 Bridge: Year around season.

From SR 291 Bridge upstream to the West Branch: April 30 through October 31 season. Additional December 1 through March 31 season for whitefish only.

Little Twin Lake (Stevens County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

Long Lake (Ferry County): ((April 30)) <u>Last Saturday</u> in April through October 31 season. Fly fishing only.

Long Lake (Spokane River Reservoir): Bass - catchand-release only, May 1 through June 30. See also Spokane River.

Loon Lake: ((April 30)) Last Saturday in April through October 31 season. Trout - ((eatch)) daily limit - ten, of which at least five must be kokanee, no more than two over twenty inches in length.

Lyons Park Pond (College Place): ((April 30)) <u>Last Saturday in April</u> through October 31 season. Juveniles only (under fifteen years old).

Marshal Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

McDowell Lake (Stevens County): ((April 30)) <u>Last Saturday in April</u> through October 31 season. Catch-and-release, fly fishing only.

Medical Lake: ((April 30)) <u>Last Saturday in April</u> through September 30 season. Trout - ((eateh)) <u>daily</u> limit - two, minimum length fourteen inches. Selective fishery regulations.

Medical Lake, West: ((April 30)) <u>Last Saturday in April</u> through September 30 season.

Mill Creek (Walla Walla County), from mouth to 9th St. Bridge: June 1 through April 15 season. Open only to fishing for steelhead from September 1 through April 15. Wild steelhead release.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge to Oregon state line: Trout - ((eateh)) daily limit - five.

Mill Creek Reservoir: Internal combustion engines prohibited.

Mill Pond: ((April 30)) Last Saturday in April through October 31 season.

Mudget Lake: ((April 30)) Last Saturday in April through October 31 season.

Muskegon Lake: ((April 30)) Last Saturday in April through October 31 season.

Mystic Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Negro Creek (Lincoln County): June 16 through March 31 season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): ((April 30)) <u>Last</u> <u>Saturday in April</u> through July 15 season.

Newman Lake: Tiger musky - ((enteh)) daily limit - one, minimum length thirty-six inches.

Nile Lake: ((April 30)) Last Saturday in April through October 31 season.

No Name Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Pampa Pond (Whitman County): ((April 30)) <u>Last Saturday in April</u> through September 30 season. Fishing from any floating device prohibited.

Parker Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Pataha Creek, mouth to Pomeroy city limits: Year around season.

Within the city limits of Pomeroy: April 30 through October 31 season. Juveniles only (under fifteen years old).

Remainder of creek Selective fishery regulations.

Pend Oreille River: Year around season.

Petit Lake: ((April 30)) Last Saturday in April through October 31 season. Internal combustion engines prohibited.

Phalon Lake: Closed waters.

Phillips Lake (Stevens County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

Potter's Pond: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Rainbow Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Renner Lake: ((April 30)) Last Saturday in April through October 31 season.

Rigley Lake: ((April 30)) Last Saturday in April through October 31 season. Trout - ((eateh)) daily limit -

two, minimum length fourteen inches. Selective fishery regulations.

Rocky Lake (Stevens County): ((April 30)) Last Saturday in April through October 31 season. From June 1 through October 31 catch-and-release only, selective fishery regulations.

Roosevelt Lake (Columbia River): Trout, no more than two over twenty inches in length. Trout - closed March 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek. Walleye - ((eateh)) daily limit - eight, not more than one over twenty inches in length. Only walleye less than sixteen inches or over twenty inches in length may be kept; closed April 1 through May 31 in Spokane arm upstream from SR25 Bridge; in Kettle arm upstream from Burlington-Northern Railroad bridge at Twin Bridges; in San Poil arm upstream from mouth of Manilla Creek.

Sacheen Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Sherman Creek (Ferry County), from the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters. Exception: From the mouth upstream to the hatchery boat dock December 1 through August 31 season.

Sherry Lake: ((April 30)) Last Saturday in April through October 31 season.

Skookum Lake, North: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Skookum Lake, South: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Snake River: Year around season. Closed to the taking of all trout April 1 through May 31. Trout - ((eateh)) daily limit - six minimum length ten inches, no more than two over twenty inches. Retaining steelhead is prohibited from June 1 through August 31. Wild steelhead release from September 1 through March 31. Barbless hooks required when fishing for steelhead on that portion of the Snake River which forms the boundary between Washington and Idaho.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Note: On the mainstem Snake River between Washington and Idaho the license of either state is valid. The angler must be in compliance with the laws of the state issuing the license. This provision does not allow an angler licensed in Idaho to fish on the Washington shore, or in the sloughs or tributaries of Washington. An angler fishing the Snake River is restricted to one daily ((eateh)) limit even if licensed by both states.

Spokane River, from the mouth at Lake Roosevelt upstream to the Seven Mile Bridge, including Long Lake, formed by Long Lake Dam (see also Long Lake): Year around season. Trout - ((enteh)) daily limit - five, no more than two over twenty inches in length. Walleye - ((enteh)) daily limit - eight, no more than one over twenty inches in

<u>length</u>. Only walleye less than sixteen inches or over twenty inches <u>in length</u> may be kept; closed April 1 through May 31.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year around season. Trout - ((eateh)) daily limit one. Wild trout release (only rainbow trout with missing adipose fins may be possessed. There must be a healed scar in the location of the missing fin.) Selective fishery regulations.

From Monroe Street Dam upstream to Upriver Dam: Year around season.

From Upriver Dam upstream to the Idaho/Washington state line: Trout - ((eateh)) daily limit - one, minimum length 12 inches; selective fishery regulations, except motors allowed.

Sprague Lake: Channel catfish - ((eatch)) daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Closed waters: March 1 through June 30 in that part of the lake and Cow Creek from Harper Island and posted markers on the lake shore southwest to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

Spring Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Starvation Lake: ((April 30)) <u>Last Saturday in April</u> through May 31 season. Additional season June 1 through October 31, catch-and-release only, selective fishery regulations.

Sullivan Creek, from Mill Pond upstream: Selective fishery regulations.

Summit Lake (Stevens County): ((April 30)) <u>Last</u> <u>Saturday in April</u> through October 31 season.

Swan Lake (Ferry County): ((April 30)) <u>Last Saturday</u> in April through October 31 season.

Thomas Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Touchet River, from mouth to Highway 12 Bridge at Waitsburg: June 1 through April 15 season. Open only to fishing for steelhead from September 1 through April 15. Wild steelhead release.

From Highway 12 Bridge at Waitsburg to Wolf Fork Bridge: June 1 through April 15 season. Wild steelhead release. Open only to fishing for steelhead and brown trout over twenty inches in length September 1 through April 15.

From Wolf Fork Bridge upstream and all tributaries: Trout, minimum length twelve inches selective fishery regulations.

Trout Lake (Ferry County): ((April 30)) <u>Last Saturday</u> in April through October 31 season.

Tucannon River, note: All tributaries closed. Wild steelhead release.

Mouth to Highway 261 Bridge: Year around season. Closed to fishing for all trout April 16 through May 31.

From the Highway 261 Bridge upstream to Highway 12 Bridge: June 1 through August 31 season. Open only to fishing for steelhead and whitefish November 1 through April 15.

From the Highway 12 Bridge upstream to the mouth of Cummings Creek: <u>June 1 through October 31, trout, daily limit - five.</u> Open only to fishing for steelhead and whitefish November 1 through April 15.

From the mouth of Cummings Creek upstream to a point four hundred feet upstream of the hatchery intake dam: Closed waters.

From a point four hundred feet upstream of the hatchery intake dam to the mouth of Panjab Creek: Trout - ((eateh)) daily limit - five, selective fishery regulations. Only two Dolly Varden/Bull Trout over twenty inches in length may be retained as part of the trout daily ((eateh)) limit.

From the mouth of Panjab Creek upstream: Closed waters.

Vanes Lake: ((April 30)) Last Saturday in April through October 31 season.

Waitts Lake: ((April 30)) Last Saturday in April through February 28 season.

Walla Walla River, wild steelhead release.

From mouth to the Touchet River: Year around season. Closed to fishing for all trout April 1 through May 31 wild steelhead release.

From the Touchet River upstream to state line: June 1 through April 15 season. Open only to fishing for steelhead November 1 through April 15.

Ward Lake (Ferry County): ((April 30)) Last Saturday in April through October 31 season.

Watson Lake: March 1 through July 31 season. Fishing from any floating device prohibited.

Williams Lake (Spokane County): ((April 30)) <u>Last</u> <u>Saturday in April</u> through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Yokum Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Region II.

Description: That area of the state contained within the boundaries of Adams, Douglas, Franklin, Grant, and Okanogan counties.

((All state wide regulations apply to all Region II waters unless specifically exempted or amended by exceptions - Region II regulations (listed for separate waters and categories of waters).))

When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.

Lawful to fish to base of all dams in Region II, except Zosel Dam (Okanogan River).

Exceptions - Region II Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

Note: All seasons apply to inlet and outlet streams of named lakes in Grant and Adams counties.

Aeneas Lake (Okanogan County): ((April 30)) <u>Last Saturday in April</u> through October 31 season. Fly fishing only.

Alkali Lake (Grant County): Closed to the taking of walleye.

Alta Lake (Okanogan County): ((April 30)) <u>Last</u> <u>Saturday in April</u> through September 30 season.

Big Twin Lake (Okanogan County): ((April 30)) <u>Last Saturday in April</u> through October 31 season. Trout - ((enteh)) daily limit - one; selective fishery regulations.

Blue Lake (Grant County): ((April 30)) <u>Last Saturday</u> in April through September 30 season.

Blue Lake (Sinlahekin, Washington - Okanogan County): ((April 30)) <u>Last Saturday in April</u> through October 31 season. Trout - ((eatch)) <u>daily</u> limit - one; selective fishery regulations, except electric motors allowed.

Blue Lake (near Wannacut Lake - Okanogan County): ((April 30)) <u>Last Saturday in April</u> through October 31 season. Trout - ((eatch)) <u>daily</u> limit - one; selective fishery regulations, except electric motors allowed.

Bobcat Creek Ponds (Grant County): March 1 through July 31 season.

Bonaparte Lake (Okanogan County): Trout, no more than one over twenty inches in length.

Burke Lake (Grant County): March 1 through July 31 season.

Caliche Lake (lower) (Grant County): March 1 through July 31 season.

Caliche Lake (upper) (Grant County): March 1 through July 31 season.

Campbell Lake (Okanogan County): September 1 through March 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cattail Lake (Grant County): March 1 through July 31 season.

Chewuch River (Chewack River) (Okanogan County), from mouth to Lake Creek: Trout, minimum length twelve inches. Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

Chopaka Lake (Okanogan County): ((April 30)) <u>Last Saturday in April</u> through October 31 season. Trout - ((eateh)) <u>daily</u> limit - one. Fly fishing only.

Cliff Lake (Grant County): March 1 through July 31 season.

((Columbia River and impoundments and all connecting sloughs - see regulations, page - . . .))

Conconully Lake (Okanogan County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): ((April 30))
Last Saturday in April through October 31 season.

Coot Lake (Grant County): March 1 through July 31 season.

Cougar Lake (near Winthrop - Okanogan County): September 1 through March 31 season.

Cow Lake (Adams County): Channel catfish - ((eatch)) daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Coyote Creek Ponds (Adams County): March 1 through July 31 season.

Crab Creek, from Morgan Lake Road to Goose Lake Road (excluding Marsh Unit II impoundments): March 1 through July 31 season. Trout - ((eateh)) daily limit - five. Fishing from any floating device prohibited.

From Goose Lake Road to O'Sullivan Dam (excluding Marsh Unit I off-stream impoundments): June 15 through September 30 season. Trout - ((eateh)) daily limit - five. Fishing from any floating device prohibited.

Crawfish Lake (Okanogan County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Davis Lake (Okanogan County): September 1 through March 31 season.

Deadman Lake (Adams County): March 1 through July 31 season.

Deep Lake (Grant County): ((April 30)) <u>Last Saturday</u> in <u>April</u> through September 30 season.

Dollar Lake (Grant County): March 1 through July 31 season.

Dot Lake (Grant County): March 1 through July 31 season.

Dry Falls Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Trout - ((eatch)) <u>daily</u> limit - one. Selective fishery regulations.

Dusty Lake (Grant County): March 1 through July 31 season.

Ell Lake (Okanogan County): ((April 30)) Last Saturday in April through October 31 season. Trout - ((eatch)) daily limit - one. Selective fishery regulations.

Finnel Lake (Adams County): Channel catfish - ((eateh)) daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Fish Lake (Okanogan County): ((April 30)) <u>Last</u> <u>Saturday in April</u> through September 30 season.

Fourth of July Lake (Adams County): December 1 through March 31 season. Trout, no more than two over

fourteen inches in length. Internal combustion engines prohibited.

Gadwall Lake (Grant County): March 1 through July 31 season.

George Lake (Grant County): March 1 through July 31 season.

Gold Creek (Okanogan County), from mouth to Foggy Dew Creek: Selective fishery regulations.

Green Lake (Okanogan County): December 1 through March 31 season.

Green Lake, lower (Okanogan County): December 1 through March 31 season. Trout - daily limit - five.

Grimes Lake: June 1 through August 31 season. Trout - ((eatch)) daily limit - one. Selective fishery regulations, except electric motors allowed.

Hallin Lake (Adams County): Channel catfish - ((eateh)) daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Hampton Lake, lower (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hampton Lake, upper (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hays Creek and Ponds (Adams County): March 1 through July 31 season.

Hourglass Lake (Grant County): March 1 through July 31 season.

Hutchinson Lake (Adams County): March 1 through July 31 season. Internal combustion engines prohibited.

Indian Dan Pond: July 1 through October 31 season.

Jameson Lake (Douglas County): ((April 30)) Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek: Juveniles only (under fifteen years old).

Lake Creek, upstream from Pasayten Wilderness boundary: June 1 through August 31 season. Selective fishery regulations.

Leader Lake (Okanogan County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

Lemna Lake (Grant County): March 1 through July 31 season.

Lenice Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Trout - ((eateh)) <u>daily</u> limit - one. Selective fishery regulations.

Lenore Lake (Grant County): Closed: December 1 through February 28. March 1 through May 31 season. Catch-and-release only, selective fishery regulations, except electric motors allowed. June 1 through November 30 season. Trout - ((eatch)) daily limit - one. Selective fishery regulations, except electric motors allowed. Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area

approximately one hundred yards beyond the mouth of inlet stream to State Highway 17.

Little Twin Lake: December 1 through March 31 season.

Long Lake (Okanogan County): ((April 30)) <u>Last</u> Saturday in April through September 30 season.

Lost River (Okanogan County): From one-quarter mile above bridge to mouth of Monument Creek: Trout, minimum length twelve inches. Selective fishery regulations.

From mouth of Drake Creek to outlet of Cougar Lake: Trout and Dolly Varden/Bull Trout - ((eateh)) daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Merry Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Trout - ((eateh)) <u>daily</u> limit - one. Selective fishery regulations.

Methow River, from mouth (railroad bridge) upstream to second powerline crossing (approximately one mile): June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release.

From second powerline crossing above railroad bridge (approximately one mile) upstream to mouth of Lost River: June 1 through March 31 season. Wild steelhead release. Trout, minimum length twelve inches; selective fishery regulations June 1 through September 30.

Migraine Lake (Grant County): March 1 through July 31 season.

Mirror Lake: ((April 30)) Last Saturday in April through September 30 season.

Moran Slough (including inlet and outlet streams): Closed water.

Moses Lake: Crappie - ((eateh)) daily limit - five. Only crappie more than ten inches ((long)) in length may be kept. Bluegill - ((eateh)) daily limit - five. Only bluegill more than eight inches ((long)) in length may be kept.

North Potholes Reserve Ponds (Grant County): February 1 through October 10 season. Fishing from any floating device prohibited, except float tubes permitted.

Nunnally Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Trout - ((enteh)) <u>daily</u> limit - one. Selective fishery regulations. Closed waters: Outlet stream of Nunnally Lake.

Okanogan River (Okanogan County): Year around season. Wild steelhead release. Trout, minimum length twelve inches. Closed waters: From Zosel Dam downstream one-quarter mile below the railroad trestle.

Palmer Lake (Okanogan County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Set lines may be used for burbot. An angler may use no more than one set line having attached thereto any

number of hooks. Set lines must be clearly identified with the angler's name and address.

Para-Juvenile Lake: March 1 through July 31 season. Juveniles only (under fifteen years old).

Park Lake: ((April 30)) <u>Last Saturday in April</u> through September 30 season.

Patterson Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Pearrygin Lake (Okanogan County): ((April 30)) <u>Last</u> Saturday in April through September 30 season.

Perch Lake: ((April 30)) <u>Last Saturday in April</u> through September 30 season.

Pillar Lake (Grant County): March 1 through July 31 season.

Poacher Lake (Grant County): March 1 through July 31 season.

Potholes Reservoir: Crappie and bluegill - ((eatch)) daily limit - twenty-five (species combined).

Proctor Lake (Okanogan County): Trout - ((eateh)) daily limit - one. Selective fishery regulations.

Quail Lake: Catch-and-release, fly fishing only.

Quincy Lake (Grant County): March 1 through July 31 season.

Rat Lake (Okanogan County): December 1 through March 31 season.

Ringold Springs Creek (Hatchery Creek): Closed waters.

Rocky Ford Creek and Ponds (Grant County): Trout - ((eatch)) daily limit - one. Fly fishing only. Fishing from bank only (no wading).

Roosevelt Lake (Columbia River) (Grant County): See Region I.

Round Lake (Okanogan County): ((April-30)) <u>Last</u> <u>Saturday in April</u> through September 30 season.

Royal Lake (Adams County): ((April 30)) <u>Last Saturday in April</u> through September 30 season. Internal combustion engines prohibited.

Royal Slough (including Marsh Unit IV impoundments): Closed waters.

Rufus Woods Lake (Douglas County): Trout (including kokanee) - ((eatch)) daily limit - two.

Saddle Mountain Lake: Closed waters.

Sago Lake (Grant County): March 1 through July 31 season.

Salmon Creek, North Fork: Selective fishery regulations.

Salmon Creek, West Fork, from mouth to South Fork: Selective fishery regulations.

Scabrock Lake (Grant County): March 1 through July 31 season.

Shiner Lake (Adams County): March 1 through July 31 season. Internal combustion engines prohibited.

Shoveler Lake: March 1 through July 31 season.

Similkameen River (Okanogan County) from mouth to Enloe Dam: June 1 through March 31 season. Wild steelhead release. Trout, minimum length twelve inches. Selective fishery regulations June 1 through ((September 30)) October 31.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season for whitefish only.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

((Snake River: See Region I.))

Snipe Lake (Grant County): March 1 through July 31 season.

Spectacle Lake (Okanogan County): March 1 through July 31 season. Possession of fish other than trout is prohibited.

Sprague Lake: Channel catfish - ((eateh)) daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Closed waters: March 1 through June 30 in that part of the lake and Cow Creek from Harper Island and posted markers on lake shore southwest to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

Spring Lakes (near Quincy - Grant County): March 1 through July 31 season.

Twisp River (Okanogan County), from mouth to War Creek: Trout, minimum length twelve inches. Selective fishery regulations.

Vic Meyers (Rainbow) Lake: ((April 30)) <u>Last Saturday</u> in April through September 30 season.

Wannacut Lake (Okanogan County): ((April 30)) <u>Last</u> Saturday in <u>April</u> through October 31 season.

Warden Lake (Grant County): March 1 through July 31 season.

Warden Lake, South (Grant County): March 1 through July 31 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Bass - only bass less than 12 inches or over fifteen inches in length may be kept. Internal combustion engines prohibited.

Whitestone Lake (Okanogan County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Widgeon Lake (Grant County): March 1 through July 31 season.

Region III.

Description: That area of the state contained within the boundaries of Benton, Chelan, Kittitas, and Yakima counties.

((All state wide regulations apply to all Region III waters unless specifically exempted or amended by Exceptions Region III regulations (listed for separate waters and categories of waters).))

When fishing or hunting within the boundaries of the ((Yakima)) Yakama Indian Reservation contact the Office of the Confederated Tribes and Bands of the ((Yakima)) Yakama Indian Nation. Phone to find out what tribal permits and regulations apply. Waters open under tribal regulations are also open under state regulations.

In Benton County: Rivers, Streams and Beaver Ponds: Year around.

Exceptions - Region III Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

American River, from mouth to Rainier Fork: Selective fishery regulations.

Bachelor Creek: Year around season. Trout - ((eateh)) daily limit - five, no minimum length.

Bear Creek (tributary to South Fork Tieton River): Closed season, August 16 through May 31.

Beehive (Lake) Reservoir: ((April 30)) Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Black Lake (Lower Wheeler Reservoir): ((April 30))
Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Box Canyon Creek, from mouth to bridge on USFS Road No. 4930 (approximately four miles): Closed waters.

Buckskin Creek and Tributaries (Yakima County), from the west boundary of Suntides Golf Course to its mouth: Closed waters.

Bumping Lake (Reservoir): Kokanee ((eatch)) daily limit - sixteen. Feeding (chumming) permitted.

Bumping River, from mouth to American River: Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

From mouth of American River to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Additional December 1 through March 31 season for whitefish only.

Cashmere Pond: Juveniles only (under fifteen years old).

Chelan Hatchery Creek: Year around season. Juveniles only (under fifteen years old).

Chelan Lake: Trout - ((eateh)) daily limit - two, minimum length fifteen inches and kokanee - ((eateh)) daily limit - five, no minimum length. Except closed season April 1 through June 30, north (uplake) of a line between Purple Point (at Stehekin) and Painted Rocks, and within four hundred feet of the mouths of all other tributaries uplake from Fields Point. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address. Except east (downlake) of Fields Point from May 15 through September 30: Trout, minimum length eight inches, not more than two

over fifteen inches and kokanee - ((eateh)) daily limit - five, no minimum length.

Chelan Lake Tributaries from mouths upstream one mile except Stehekin River: July 1 through October 31 season. Selective fishery regulations.

Chelan River: Year around season. Trout, minimum length twelve inches.

Chiwaukum Creek, from mouth to South Fork: Selective fishery regulations.

Chiwawa River, from mouth to Rock Creek: Selective fishery regulations.

Clear Lake (Chelan County): ((April 30)) <u>Last Saturday</u> in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Cle Elum Lake (Reservoir): Trout - ((eateh)) daily limit - two, minimum length twelve inches. Kokanee ((eateh)) daily limit - sixteen. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Cle Elum River, from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Additional December 1 through March 31 season for whitefish only.

Columbia Park Pond: Juveniles only (under fifteen years old).

((Columbia River and impoundments and all connecting sloughs - see Columbia River regulations page . . .))

Deep Creek (tributary to Bumping Lake): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Eightmile Lake: Trout - ((eateh)) daily limit - five, not more than two mackinaw.

North Elton Ponds: December 1 through March 31 season. Trout - ((eateh)) daily limit - two. Internal combustion engines prohibited.

Enchantment Park Ponds: Juveniles only (under fifteen years old).

Entiat River, from mouth to Fox Creek: June 1 through March 31 season. Trout, minimum length twelve inches; selective fishery regulations June 1 through November 30. Wild steelhead release.

Fiorito Lakes: Internal combustion engines prohibited.

Fish Lake (Chelan County): Trout, no more than two over fifteen inches in length.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake): Closed waters.

I-82 Ponds (1-7): Internal combustion engines prohibited. In addition, I-82 Ponds (1-2) closed to the taking of walleye.

Icicle Creek (River), from mouth to four hundred feet below Leavenworth National Fish Hatchery rack: June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release. From Rock Island Bridge upstream to Leland Creek: Selective fishery regulations.

Indian Creek (Yakima County): Closed waters.

Kachess Lake (Reservoir): Trout - ((eateh)) daily limit - two, minimum length twelve inches. Kokanee ((eateh)) daily limit - sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Kachess River: Lawful to fish to base of Kachess Dam. From Kachess Lake (Reservoir) upstream to Mineral Creek: Closed waters.

Keechelus Lake (Reservoir): Trout - ((eateh)) daily limit - two, minimum length twelve inches. Kokanee ((eateh)) daily limit - sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Leech Lake (White Pass area): Trout, no more than two over twelve inches in length, fly fishing only.

Lilly Lake (Chelan County): ((April 30)) Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Little Naches River, Pileup Creek to Road 1913 Bridge: Selective fishery regulations.

Little Wenatchee River, from Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Selective fishery regulations.

Mad River, from ((Pine Flat Campground)) mouth upstream to Jimmy Creek: ((Selective fishery regulations)) Closed waters.

McCabe Pond: Five fish ((eateh)) daily limit for all species combined. Fishing from any floating device prohibited.

Mercer Creek, that portion within Ellensburg city limits: Juveniles only (under fifteen years old). Trout - ((eateh)) daily limit - five, no minimum length.

Merritt Lake: Trout - ((eateh)) daily limit - sixteen.

Mineral Creek (tributary to upper Kachess River) from mouth to Wilderness Boundary: Closed waters.

Mud Lake: Trout - ((eateh)) daily limit - two. Selective fishery regulations.

Myron Lake: Trout - ((eateh)) daily limit - two. Selective fishery regulations.

Naches River, from the mouth to Rattlesnake Creek: Trout, minimum length twelve inches, maximum length twenty inches. Closed to fishing for steelhead. Additional December 1 through March 31 season for whitefish only.

From Rattlesnake Creek to Little Naches River: Trout, maximum length twenty inches. Closed to fishing for steelhead. Additional December 1 through March 31 season for whitefish only.

Naneum Pond: Juveniles only (under fifteen years old).

Nason Creek, from the Kahler Creek Bridge (near Coles Corner) upstream to Stevens Creek: Selective fishery regulations.

Nason Creek Fish Pond: Juveniles (under fifteen years old) and handicapped persons only.

Oak Creek: Trout - ((eateh)) daily limit - five, no minimum length.

Panther Creek (Chelan County): Closed waters.

Rattlesnake Creek: Catch-and-release only, selective fishery regulations.

Rimrock Lake (Reservoir): Kokanee - ((eateh)) daily limit - sixteen. Feeding (chumming) permitted.

Roses Lake: December 1 through March 31 season.

Schaefer Lake: Trout - ((eateh)) daily limit - sixteen.

Spectacle Lake (Kittitas County): Trout - ((eateh)) daily limit - sixteen.

Stehekin River, from the mouth to Agnes Creek: July 1 through October 31 season. Trout, minimum length fifteen inches; selective fishery regulations. Additional March 1 through June 30 season: Catch-and-release only, selective fishery regulations.

Swauk Creek, from mouth to Iron Creek: Selective fishery regulations.

Taneum Creek: Selective fishery regulations.

Tieton River: Trout - ((eatch)) daily limit - five, no minimum length. Lawful to fish to base of Tieton (Rimrock) Dam. Additional December 1 through March 31 season for whitefish only.

Tieton River, North Fork, from Rimrock Lake to within four hundred feet of Clear Lake Dam: June 1 through August 15 season. Fishing is prohibited in the spillway channel and within four hundred feet of Clear Lake Dam.

<u>Tieton River, South Fork: From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.</u>

Trapper Lake: Trout - ((eateh)) daily limit - two.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Wapato Lake: ((April 30)) Last Saturday in April through October 31 season. From August 1 through October 31 Trout - catch-and-release, selective fishery regulations. Internal combustion engines allowed.

Wenas Lake: Trout - ((eateh)) daily limit - five, of which not more than two may be brown trout.

Wenatchee Lake: Trout, - daily limit - two, minimum length twelve inches. Kokanee ((eatch)) daily limit - sixteen. Feeding (chumming) permitted. Kokanee/sockeye under sixteen inches will be considered kokanee ((and under the jurisdiction of the department of wildlife)) while those sixteen inches and over will be considered sockeye salmon ((and under the jurisdiction of department of fisheries)).

Wenatchee River, from mouth to Icicle River Road Bridge at Leavenworth: June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release. Selective fishery regulations June 1 through November 30.

From Icicle River Road Bridge at Leavenworth to Lake Wenatchee: June 1 through November 30 season. Selective fishery regulations. Trout, minimum length twelve inches, maximum length twenty inches. Retaining steelhead is prohibited.

White River, from mouth of Napeequa River upstream to White River Falls: Selective fishery regulations.

Wide Hollow Creek: Trout - ((eateh)) <u>daily</u> limit - five, no minimum length.

Wilson Creek (two branches within Ellensburg city limits): Juveniles only (under fifteen years old). Trout - ((eatch)) daily limit - five, no minimum length.

Yakima River, from mouth to four hundred feet below Roza Dam: Year around season. Closed: April 1 through May 31 for trout. Trout, minimum length twelve inches; maximum length twenty inches. Closed to fishing for steelhead in the Yakima River including tributaries and drains.

From Roza Dam to four hundred feet below Easton Dam: Year around season. Trout: Catch-and-release, selective fishery regulations. Exception: Bait and single-pointed, barbed hooks may be used for whitefish only December 1 through February 28. Anglers may fish from boats equipped with motors from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile).

From Lake Easton to Keechelus Dam: Selective fishery regulations.

Yakima Sportsmen's Park Ponds: Juveniles only (under fifteen years old).

Region IV.

Description: That area of the state contained within the boundaries of Island, King, San Juan, Skagit, Snohomish, and Whatcom counties, and that portion of Pierce County east of a line from the mouth of the Nisqually River through Drayton Passage, Pitt Passage, Carr Inlet, and the Tacoma Narrows.

((All-state-wide regulations apply to all Region IV waters unless specifically exempted or amended by Exceptions - Region IV regulations (listed for separate waters and eategories of waters).))

Exceptions Region IV. Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

American Lake: Feeding (chumming) permitted.

Armstrong Lake (Snohomish County): ((April 30)) <u>Last</u> <u>Saturday in April</u> through October 31 season.

Baker Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Feeding (chumming) permitted. An area

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two hundred feet in radius around the pump discharge, at the south end of the lake is closed.

Ballinger Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Barnaby Slough: Closed waters.

Bearpaw Lake (Whatcom County): ((April 30)) Last Saturday in April through October 31 season. Trout - ((eateh)) daily and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Beaver Lake (King County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Big Bear Creek (tributary of Sammamish River): Closed waters.

Big Beaver Creek, from closed water markers on Ross Lake upstream one-quarter mile: Closed waters. Upstream from one-quarter mile markers, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season; catch-and-release only, selective fishery regulations.

Big Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Bosworth Lake (Snohomish County): ((April 30)) <u>Last</u> <u>Saturday in April</u> through October 31 season.

Boxley Creek (North Bend), from its mouth to the falls located at approximately rivermile 0.9: Closed waters.

Boyle Lake (the inlet and outlet are closed waters): ((April 30)) Last Saturday in April through October 31 season. Trout - ((eateh)) daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Bridges Lake (the inlet and outlet are closed waters): ((April 30)) Last Saturday in April through October 31 season. Trout - ((eatch)) daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Cain Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Calligan Lake: June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Canyon Creek, (S.F. Stillaguamish River) mouth to forks: June 1 through February 28 season. Trout, minimum length fourteen inches.

Carbon River, from its mouth to the Highway 162 Bridge: June 1 through January 31 season. Trout, minimum length fourteen inches. Additional February 1 through March 31 season: Trout, minimum length fourteen inches. Wild steelhead release.

Cascade Lake (San Juan County): ((April 30)) <u>Last</u> <u>Saturday in April</u> through October 31 season.

Cascade River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull

Trout: Legal to retain Dolly Varden/Bull Trout as part of the trout daily ((eateh)) limit, minimum length twenty inches.

Note: The area from the Rockport-Cascade Road Bridge to the mouth is closed June 1 through September 30.

Cassidy Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Cavanaugh Lake: Feeding (chumming) permitted.

Cedar River((, from its mouth to the Landsburg diversion dam: June 1 through September 1 season. Trout, minimum length fourteen inches. Selective fishery regulations-

From its mouth to the Landsburg Highway Bridge: Additional December 1 through February 28 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited. Night fishing closure. Wild steelhead release.

From Landsburg diversion dam upstream to Chester Morse Reservoir)): Closed waters.

Chambers Bay and that portion of Marine Area 13 inside a line from Gordan Point to the dock at Pioneer gravel pit (second gravel pit approximately 1.2 miles north of Chambers Bay): June 1 through October 31 season.

Chambers Lake (within Ft. Lewis Military Reservation): Trout - catch-and-release only. Selective fishery regulations, except electric motors allowed. Contact Ft. Lewis for a land use permit.

Chaplain Lake: Closed waters.

Clear Lake (Pierce County): Feeding (chumming) permitted.

Clough Creek (North Bend): Closed waters.

Clover Creek, within the boundaries of McChord Air Force Base: Trout - ((eatch)) daily limit - one, minimum length twelve inches. Selective fishery regulations.

Coal Creek (tributary of Lake Washington): Closed waters.

Coal Creek, (near Snoqualmie) from Highway 10 downstream: ((April 30)) Last Saturday in April through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Cottage Lake (King County): ((April 30)) <u>Last Saturday</u> in April through October 31 season.

County Line Ponds: Closed Waters.

Crabapple Lake (Snohomish County): ((April-30)) <u>Last</u> Saturday in April through October 31 season.

De Coursey Pond: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Juveniles only (under fifteen years old).

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish): Closed waters.

Deer Lake (Island County): ((April 30)) <u>Last Saturday</u> in April through October 31 season.

Desire, Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Eagle Lakes (Big and Little): Closed waters.

Ebey Lake: Fly fishing only. Trout - ((eateh)) daily limit - one, minimum length eighteen inches.

((Echo Glen Pond:

Note: No public access. (State corrections facility.)))

Erie Lake (Skagit County): ((April 30)) <u>Last Saturday</u> in April through October 31 season.

Fazon Lake: Channel catfish - <u>daily and</u> possession limit - two. Bass - only bass less than twelve inches or over fifteen inches <u>in length</u> may be kept. Fishing from any floating device prohibited from first Friday in October through January 15.

Findley Lake: Closed waters.

Fisher Slough: From mouth to Highway 530 Bridge: Year around season. Trout, minimum length fourteen inches entire season. Upstream from Highway 530 Bridge: June 1 through October 31 season. Trout, minimum length fourteen inches.

Fishtrap Creek: From Koh Road to Bender Road: June 1 through October 31 season for juveniles only (under 15 years old).

Flowing Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Fortson Mill Pond #2: ((April 30)) Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Geneva Lake (King County): ((April 30)) <u>Last Saturday</u> in April through October 31 season.

Gissberg Ponds: Closed to fishing for channel catfish.

Goodwin Lake: Feeding (chumming) permitted. Bass - only bass less than twelve inches or over fifteen inches $\underline{\text{in}}$ length may be kept.

Goss Lake (Island County): ((April 30)) <u>Last Saturday</u> in April through October 31 season.

Granite Lakes (Skagit County - near Marblemount): Grayling - catch-and-release only.

Green (Duwamish) River, from its mouth to the First Avenue Bridge: June 1 through February 28 season. Trout, minimum length fourteen inches. Exempt from wild steelhead release July 1 through November 30. It is unlawful to fish with more than one single hook on sinking artificial lures; or with leads, weights, or sinkers less than twelve inches above or below the lure or bait.

From the First Avenue Bridge to Tacoma Headworks Dam: June 1 through February 28 season. Trout, minimum length fourteen inches. Exempt from wild steelhead release July 1 through November 30. Fishing from any floating device prohibited November 1 through February 28. Note: Area from the Auburn-Black Diamond Bridge downstream to the 8th St. N.E. Bridge in Auburn is closed September 1 through October 15 and area from the Auburn-Black

Diamond Bridge downstream to the Highway 18 Bridge is closed September 1 through October 31.

From the SR 167 Freeway Bridge to the Tacoma Headworks Dam: Additional March 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from any floating device prohibited

Greenwater River, from mouth to Greenwater Lakes: Trout, minimum length twelve inches. Selective fishery regulations.

Hancock Lake: June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond: Closed waters.

Hart Lake (Pierce County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Heart Lake (Skagit County, near Anacortes): ((April 30)) Last Saturday in April through October 31 season.

Howard Lake (Snohomish County): ((April 30)) <u>Last</u> <u>Saturday in April</u> through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Issaquah Creek: Closed waters.

Jennings Park Pond: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Juveniles only (under fifteen years old).

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only (under fifteen years old).

Kapowsin Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Kathleen Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Kelsey Creek (tributary of Lake Washington): Closed waters.

Ki Lake (Snohomish County): ((April 30)) <u>Last Saturday in April</u> through October 31. Bass - only bass less than twelve inches or over fifteen inches <u>in length</u> may be kept.

Kimball Creek (near Snoqualmie): ((April 30)) <u>Last</u>
<u>Saturday in April</u> through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Kings Lake Bog (King County): Closed waters.

Klaus Lake (the inlet and outlet to first Weyerhaeuser spur are closed waters): ((April 30)) Last Saturday in April through October 31 season. Trout - ((eatch)) daily limit - two, minimum length fourteen inches. Selective fishery regulations.

((Lake Washington Ship Canal: See Washington, Lake; Union, Lake; Portage Bay and Salmon Bay.))

Langlois Lake (King County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

Little Bear Creek (tributary of Sammamish River): Closed waters.

Loma Lake (Snohomish County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

Lucas Slough: Closed waters.

Margaret Lake (King County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

((Marine areas: (See page . . .).))

Martha Lake (((AM))) (Snohomish County): ((April 30)) Last Saturday in April through October 31 season.

May Creek (tributary of Lake Washington): Closed waters.

McMurray Lake (Skagit County): ((April 30)) <u>Last</u> Saturday in April through October 31.

Mercer Slough (tributary of Lake Washington): Closed waters.

Mill Pond (Auburn): ((April 30)) <u>Last Saturday in April</u> through October 31 season. Juveniles only (under fifteen years old).

Muck Creek and tributaries (within Ft. Lewis Military Reservation): Trout - catch-and-release only. Selective fishery regulations. Contact Ft. Lewis for a land use permit.

New Mire Creek (tributary of Lake Sawyer): ((April 30)) Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Newhalem Ponds: Closed waters.

((Nisqually River: See Region VI.))

Nooksack River from mouth to forks, Middle Fork to Dam. North Fork to Nooksack Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited on the North and Middle Forks November 1 through March 15.

South Fork, from its mouth to source: Trout, minimum length fourteen inches. Wild steelhead release, and selective fishery regulations.

South Fork, from its mouth to Skookum Creek: Additional November 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited.

North Creek (tributary of Sammamish River): Closed waters.

North Lake (King County): ((April 30)) Last Saturday in April through October 31 season.

Northern State Hospital Pond: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Juveniles only (under fifteen years old).

Ohop Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Old Fishing Hole Pond (Kent): ((April 30)) <u>Last Saturday in April</u> through October 31 season. Juveniles only (under fifteen years old).

Padden Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Internal combustion engines prohibited.

Pass Lake: Trout - ((eateh)) daily limit - one, minimum length eighteen inches. Fly fishing only.

Phantom Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Philippa Creek (tributary to N.F. Snoqualmie River): Closed waters.

Pilchuck Creek, mouth to Highway 9 Bridge: June 1 through November 30 season. Trout, minimum length fourteen inches. Selective fishing regulations. Additional December 1 through February 28 season. Trout, minimum length fourteen inches.

Pilchuck River, its entire length: Closed March 1 through November 30.

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through February 28 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited.

Pine Lake (King County): ((April 30)) Last Saturday in April through October 31 season.

Pipers Creek (Carkeek Creek), from its mouth to its source, including tributaries: Closed waters.

((Portage Bay: Feeding (chumming) permitted.))

Pratt River (tributary to Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Puyallup River, from its mouth to the Electron power plant outlet: June 1 through January 31 season. Trout, minimum length fourteen inches.

From its mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Raging River, from its mouth to the Highway 18 Bridge (three miles upstream from Preston): June 1 through February 28 season. Trout, minimum length fourteen inches.

Rapjohn Lake: ((April 30)) Last Saturday in April through October 31 season. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Rattlesnake Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Selective fishery regulations, except electric motors allowed.

((Rattlesnake Lake (King County): April 30-through October 31-season.))

Ravensdale Lake: ((April 30)) Last Saturday in April through October 31 season. Trout - ((eateh)) daily limit - two, minimum length twelve inches. Selective fishery regulations.

((Ravensdale Lake (King County): April 30 through October 31 season.))

Ridley Lake (Whatcom County): July 1 through October 31 season. Trout - ((eateh)) daily and possession

limit - one, minimum length eighteen inches. Selective fishery regulations.

Riley Lake (Snohomish County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

Rock Creek (below Landsburg): Closed waters.

Ross Lake (Reservoir): July 1 through October 31 season. Trout - ((eateh)) daily limit - three, possession limit - six, minimum length thirteen inches. Selective fishery regulations. Fishing from boats with motors allowed.

Note: The following tributaries to Ross Lake are closed from the closed water markers near their mouths upstream the distance indicated. Big Beaver Creek, one-quarter mile (see special Big Beaver Creek regulations), Ruby Creek, entire stream. All other tributaries - one mile.

Ross Lake Tributary Streams not listed as closed: July 1 through October 31 season.

((Salmon Bay, all waters from the Chittenden Locks (in Ballard) upstream (east) to the Fremont Bridge: July 1 through February 28 season. Trout no more than two over twenty inches. Wild steelhead release:

Salmon Bay, from the east end of the north wing wall of the Chittenden Locks to a line approximately one hundred seventy five feet seaward of, and parallel to the railroad bridge, and which runs through the wooden tower structure near the south shore: December 1 through February 28 season. Trout, minimum length fourteen inches. It is unlawful to fish with more than one hook on sinking artificial lures; or with leads, weights, or sinkers less than twelve inches above or below the lure or bait. Fishing from any floating device prohibited. This area is closed March 1 through November 30. See also department of fisheries' regulations.))

Samish, Lake: Feeding (chumming) permitted. Cutthroat - ((eateh)) daily limit - two, minimum length fourteen inches.

Samish River, from its mouth to the old Highway 99 Bridge and from the department of fisheries' rack to the Hickson Bridge: June 1 through March 15 season. Trout, minimum length fourteen inches. December 1 through March 15 wild steelhead release. Note: Closed from Highway 99 Bridge to department ((of fisheries')) salmon rack.

Sammamish Lake: Trout - no more than two over fourteen inches in length. December 1 through June 30 season: No retention of steelhead or rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Kokanee may not be kept.

Sammamish River (Slough), from the 68th Avenue N.E. Bridge to Lake Sammamish: ((June 1 through August 31 and December 1 through February 28 seasons. Trout, minimum length twenty inches. Wild steelhead release. All tributaries are)) Closed waters. All tributaries are closed.

Sauk River, from its mouth to the mouth of the White Chuck River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily

((eateh)) limit, minimum length twenty inches. June 15 through October 31 wild steelhead release.

From the mouth of the White Chuck River to headwaters, including North and South Forks: Trout, minimum length fourteen inches. Selective fishery regulations. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((eateh)) limit, minimum length twenty inches.

From its mouth to the Darrington Bridge: Additional March 1 through April 30 season. Catch-and-release only, and selective fishery regulations.

Sawyer, Lake: Feeding (chumming) permitted.

Sequallitchew Lake: Contact Ft. Lewis for land use permit.

Serene Lake (Snohomish County): ((April 30 through October 31)) Year around season.

Shady Lake: June 1 through October 31 season. Trout, no more than one over fourteen inches in length.

Shannon, Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Feeding (chumming) permitted.

Shoecraft Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Silver Lake (Pierce County): ((April 30)) <u>Last Saturday</u> in April through October 31 season. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Silver Lake (Whatcom County): ((April 30)) <u>Last</u> <u>Saturday in April</u> through October 31 season.

Sixteen Lake (Skagit County): ((April 30)) <u>Last</u> <u>Saturday in April</u> through October 31 season.

Skagit River, from its mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout, minimum length fourteen inches. Retaining steelhead is prohibited from April 1 through May 31. (See Fisher Slough.) Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((eateh)) limit, minimum length twenty inches.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gorge Powerhouse at Newhalem: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((eateh)) limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) to pipeline crossing at Sedro Woolley: Additional March 1 through March 31 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((eateh)) limit, minimum length twenty inches.

From pipeline crossing at Sedro Woolley to mouth of Bacon Creek: Additional March 1 through March 15 season. Trout, minimum length fourteen inches. Dolly Varden/Bull

Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((eateh)) limit, minimum length twenty inches. Note: Closed waters from the pipeline crossing at Sedro Woolley to the Dalles Bridge at Concrete March 16 through May 31.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Catch-and-release only, and selective fishery regulations, except lawful to fish from a boat with motor but not while under power.

Skykomish River, from its mouth to mouth of Sultan River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((eatch)) limit, minimum length twenty inches. Fishing from any floating device prohibited November 1 through February 28 from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Additional March 1 through April 30 season: Trout - catch-and-release only, and selective fishery regulations. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet.

From the mouth of the Sultan River to the forks: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release March 1 through March 31. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((eateh)) limit, minimum length twenty inches. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds and that same area is closed to fishing June 1 to 8:00 a.m. August 1.

Skykomish River, North Fork, from its mouth to one thousand feet downstream from Bear Creek Falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Closed waters from one thousand feet below Bear Creek Falls to one thousand feet above Bear Creek Falls.

From one thousand feet upstream of Bear Creek Falls to: Quartz Creek: Catch-and-release, selective fishery regulations.

Skykomish River, South Fork, from its mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through February 28 season. Trout, minimum length fourteen inches. Closed waters from Sunset Falls Fishway to a point six hundred feet downstream of the fishway.

From Sunset Falls to source: June 1 through November 30 season. Trout, minimum length fourteen inches. Selective fishery regulations. Additional December 1 through February 28 season for whitefish only.

Snohomish River, all channels, sloughs, and interconnected waterways (excluding all tributaries) From Puget Sound to Highway 529: Year around season. Trout, minimum length fourteen inches. Wild steelhead release May 1 through November 30. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((eateh)) limit, minimum length twenty inches.

From Highway 529 upstream (all channels): June 1 through March 31 season. Trout <u>- daily limit - two</u>, minimum length fourteen inches. <u>Dolly Varden/Bull Trout:</u> <u>Legal to retain as part of trout daily limit, minimum length twenty inches.</u>

Snoqualmie River, from its mouth to the falls: June 1 through March 31 season. Trout, minimum length fourteen inches. June 1 through November 30 selective fishery regulations. Fishing from boats with motors allowed. Fishing from any floating device prohibited November 1 through March 31 from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Note: Waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant #2 building (north bank) are closed.

From Snoqualmie Falls, including the North and South Forks: Trout, minimum length ten inches. Selective fishery regulations. Additional November 1 through February 28 season for whitefish only.

Middle Fork Snoqualmie from mouth to source including all tributaries: Catch-and-release only, and selective fishery regulations.

Soos Creek, from mouth to salmon hatchery rack: June 1 through August 31 season. Trout, minimum length fourteen inches.

South Prairie Creek, closed downstream from Page Creek to its mouth.

Spada Lake (Reservoir): ((April 30)) Last Saturday in April through October 31 season. Trout - twelve inch minimum length. Selective fishery regulations((—Internal combustion engines prohibited)) except use of electric motors allowed. Note: All tributaries to lake are closed to fishing.

Spanaway Lake, and its outlet downstream to the dam (approximately 800 feet): Year around season.

Sportsman's Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Spring Lake (King County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Squalicum Lake: Trout - ((eateh)) <u>daily</u> limit - two. Fly fishing only.

Steel Lake (King County): ((April-30)) <u>Last Saturday</u> in <u>April</u> through October 31 season.

Stetattle Creek, from its mouth for one and one-half miles upstream, to mouth of Bucket Creek: Closed waters.

Stevens, Lake: Feeding (chumming) permitted. Bass - ((possession)) daily limit - one over eighteen inches in length.

Stillaguamish River, and all sloughs, downstream of Warm Beach-Stanwood Highway: Year around season. Trout - daily limit - two, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain as part of trout daily limit, minimum length twenty inches.

Stillaguamish River, upstream from the Warm Beach-Stanwood Highway to the forks (except Harvey Creek, Pioneer Ponds, and Portage Creek are closed): June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release May 1 through November 30. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((eateh)) limit, minimum length twenty inches. Closed waters from the barrier dam (downstream of I-5) downstream two hundred feet.

Stillaguamish River, North Fork, from its mouth to Swede Heaven Bridge: Year around season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). March 1 through November 30 wild steelhead release. Fly fishing only April 16 through November 30.

Stillaguamish River, South Fork, from its mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Note: Closed from Mt. Loop Highway bridge above Granite Falls downstream to a point four hundred feet below the outlet of the end of the fishway.

Stillaguamish River, South Fork, above Mountain Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season.

Storm Lake (Snohomish County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

Stuck River: See White River.

Suiattle River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((eateh)) limit, minimum length twenty inches.

Sultan River, from its mouth to a point four hundred feet downstream from the diversion dam at river mile 16: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((eateh)) limit, minimum length twenty inches. Note: North and South Forks are closed to fishing.

Sunday Creek (tributary to N.F. Snoqualmie River): Closed waters.

Swamp Creek (tributary to Sammamish River): Closed waters.

Tanwax Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Tapps Lake (Reservoir) and intake canal—Open area includes intake canal to within four hundred feet of the screen at Dingle Basin: Year around season.

Tate Creek (tributary to N.F. Snoqualmie River): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Tennant Lake: Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake: Fishing from any floating device prohibited from first Friday in October through January 15 except fishing from floating dock permitted. Bass - only

bass less than twelve inches or over fifteen inches in length may be kept.

Thornton Creek (tributary to Lake Washington): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish): Closed waters.

Toad Lake (Whatcom County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

Tokul Creek, from its mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season. Trout, minimum length fourteen inches. ((This area is closed daily from 5:00 p.m. to 7:00 a.m.)) This area is closed to all fishing from April 1 through November 30.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed to all fishing year around.

Tolt River, from its mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through February 28 season. Trout, minimum length fourteen inches. June 1 through November 30 season. Selective fishery regulations.

From the USGS trolley cable to the mouth of Yellow Creek on the North Fork, and to the dam on the South Fork: Closed waters.

North Fork above Yellow Creek: Trout - catch-and-release only, selective fishery regulations.

South Fork above the dam: Trout, minimum length ten inches. Selective fishery regulations.

Tradition Lake: Bass - only bass less then twelve inches or over fifteen inches in length may be kept.

Tye River: Trout, minimum length fourteen inches. Selective fishery regulations. Additional November 1 through February 28 season for whitefish only.

((Union, Lake: Feeding (chumming) permitted.))

Voight's Creek: Closed waters from mouth to Highway 162 Bridge.

Wagners Lake (Snohomish County): ((April 30)) <u>Last</u> <u>Saturday in April</u> through October 31 season.

Walker Lake (King County): ((April 30)) <u>Last Saturday</u> in April through October 31 season.

Wallace River, from its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through September 1 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((eatch)) limit, minimum length twenty inches. Note: Closed waters from the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery.

From the mouth to mouth of Olney Creek: Additional November 1 through February 28 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited. Dolly Varden/Bull Trout: Legal to retain Dolly

Varden/Bull Trout as part of trout daily ((eateh)) limit, minimum length twenty inches.

Wapato Lake: Juveniles only (under fifteen years old).

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream: December 1 through last day in February season: Trout - no ((more than two)) retention of steelhead or rainbow trout over twenty inches in length. ((Wild steelhead release December 1 through May 31. May)) March 1 through June 30 season: Trout - ((eateh)) daily limit - eight, minimum length twelve inches. No retention of steelhead or rainbow trout over twenty inches in length. Closed to boat fishing one hundred yards either side of the floating bridges. Feeding (chumming) permitted year around. Kokanee/sockeye under ((twenty)) fifteen inches ((will be considered)) are kokanee ((and under the jurisdiction of the department of wildlife)) while those ((twenty)) fifteen inches and over ((will be considered)) are sockeye salmon ((and under the jurisdiction of the department of fisheries)).

Washington, Lake, Ship Canal (waters east of a northsouth line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): Seasons: West boundary to a north-south line 400 feet east of the eastern end of the northern wing-wall of Chittendon Locks - Closed waters; 400 feet east of the eastern end of the northern wing-wall of Chittendon Locks to the Fremont Bridge - Open December 1 through February 28 only; Fremont Bridge to east boundary - Open year around. Species restrictions: Trout - December 1 through last day in February season: No retention of steelhead or rainbow trout over twenty inches in length. Trout - March 1 through June 30 season: Minimum length twelve inches. No retention of steelhead or rainbow trout over twenty inches in length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon. Special provisions: West of Fremont Bridge -Unlawful to fish from boats and nonbuoyant lures restricted to only one single hook measuring no more than 3/4 inch point to shank; chumming permitted east of Fremont Bridge.

Whatcom Creek, mouth to stone bridge at Whatcom Falls Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: ((April 30)) Last Saturday in April through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Whatcom, Lake: ((April 30)) Last Saturday in April through October 31 season. Trout - no more than one over fourteen inches in length. Feeding (chumming) permitted. (All tributaries are closed to fishing, and, in addition, that portion of Lake Whatcom between the Electric Avenue Bridge and the outlet dam.)

White (Stuck) River, from mouth to Highway 410 Bridge at Buckley: <u>June 1 through September 30 - Closed</u> waters. October 1 through May 31 season: Trout, minimum

length ((twelve)) fourteen inches. Note: Puget Power canal, including the screen bypass channel, is closed to fishing above the screen at Dingle Basin.

From mouth to R Street SE Bridge in Auburn: Additional November 1 through February 28 season. Trout, minimum length ((twelve)) fourteen inches. Wild steelhead release.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Additional November 1 through January 31 season for whitefish only.

Whitechuck River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily ((eateh)) limit, minimum length twenty inches.

Wilderness Lake (King County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

Willow Lake (Whatcom County): July 1 through October 31 season. Trout - ((eateh)) daily and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Wiser Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Region V.

Description: That area of the state contained within the boundaries of Clark, Cowlitz, Klickitat, Lewis, Skamania, and Wahkiakum counties.

((All state wide regulations apply to all Region V waters unless specifically exempted or amended by Exceptions Region V regulations (listed for separate waters and categories of waters).))

Exception - Region V regulations. State-wide regulations apply to all waters except where modified in special regulations below.

Abernathy Creek, from Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

Alder Creek: Closed waters.

Battle Ground Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Internal combustion engines prohibited.

Beaver Creek (tributary to Elochoman River): Closed waters.

Berry Creek (tributary to Nisqually River): Selective fishery regulations.

Big White Salmon River, from mouth to <u>powerhouse:</u>
Year around season. Trout, minimum length fourteen inches. Wild steelhead release. From powerhouse to within four hundred feet of Northwestern Dam: ((Year around))
November 16 to June 15 season. Trout, minimum length fourteen inches. Wild steelhead release.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Trout, minimum length twelve inches. Selective fishery regulations.

Bird Creek: Trout - ((eateh)) daily limit - five.

Blockhouse Creek: Trout - ((eateh)) daily limit - five.

Bloodgood Creek: Trout - ((eateh)) daily limit - five.

Blue Creek, from mouth to Spencer Road: Closed waters.

Blue Lake (Cowlitz County): ((April 30)) <u>Last Saturday</u> in April through October 31 season. Catch-and-release only. Selective fishery regulations.

((Boman)) Bowman Creek: Trout - ((eateh)) daily limit - five.

Butter Creek: Trout, minimum length ten inches. Selective fishery regulations.

Canyon Creek: Trout - ((eateh)) daily limit - five.

Carlisle Lake: ((April 30)) Last Saturday in April through February 28 season. Internal combustion engines prohibited. Bass - minimum length fourteen inches.

Castle Lake: Trout - ((eateh)) daily limit - one, minimum length sixteen inches. Selective fishery regulations.

Cedar Creek (tributary of N.F. Lewis) from mouth to junction of Chelatchie Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release.

((Chehalis River: See Region VI, page . . .

Chehalis River, South Fork from mouth to highway bridge at Boistfort: June 1 through March 31 season. Trout, minimum length fourteen inches.))

Cispus River, North Fork: Trout, no more than one over twelve inches in length.

Clear Creek (tributary to Muddy River, Skamania County): Trout, minimum length twelve inches. Selective fishery regulations.

Clearwater Creek (tributary to Muddy River, Skamania County): Trout, minimum length twelve inches. Selective fishery regulations.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Coldwater Lake: All inlet streams and outlet streams closed waters. Trout - ((eateh)) daily limit - one, minimum length sixteen inches. Selective fishery regulations. Note: Limited access available, contact National Volcanic Monument Headquarters for specific information.

((Columbia River and impoundments and all connecting sloughs - see regulations page : . . .))

Connelly Creek and tributaries, from four hundred feet below the city of Morton Dam to its source: Closed waters.

Cougar Creek (tributary to Yale Reservoir): June 1 through August 31 season.

Coweeman River, from mouth to Mulholland Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Cowlitz Falls Reservoir: June 1 through February 28 season. Trout - daily limit five, minimum length eight inches. The upstream boundary of the reservoir in the Cowlitz arm is the posted markers located approximately 500 feet upstream from the boat ramp at the Lewis County PUD Cowlitz Falls Campground. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms.

Cowlitz River, from mouth to Mayfield Dam: Year around season. Trout - ((eateh)) daily limit - five, minimum length twelve inches, no more than two over twenty inches. Wild cutthroat release. Wild steelhead release June 1 through May 31. Closed to fishing for all game fish except steelhead April 1 through May 31. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From ((Mill Creek to)) the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device ((or fish with nonbuoyant artificial lures having more than one single pointed hook. Night closure April 1 through September 30)).

From Mayfield Dam to mouth of Muddy Fork: Year around season. Wild steelhead release.

Cowlitz River, Clear Fork and Muddy Fork: Trout - ((eateh)) daily limit - five, no more than one over twelve inches in length.

Davis Lake: ((April 30)) <u>Last Saturday in April</u> through February 28 season.

Deep River: Year around season. Trout, minimum length fourteen inches.

((Drano Lake: See Columbia River regulations, page . . .))

Elochoman River, from mouth to West Fork: June 1 through March 15 season. Trout - ((eateh)) daily limit five, minimum length twelve inches, no more than two over twenty inches. Wild steelhead release and wild cutthroat release.

((From Beaver Creek Road Bridge to two hundred feet below weir at Beaver Creek hatchery: Closed waters.)) The following waters of the Elochoman River are closed at all times: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the Department of Fish and Wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; waters from the Beaver Creek Bridge to 200 feet below the weir at Beaver Creek Hatchery.

From West Fork to source: Closed waters.

Fort Borst Park Lake: ((April 30)) Last Saturday in April through February 28 season. Juveniles only (under fifteen years old).

Franz Lake: Closed waters.

Germany Creek, from mouth to end of Germany Creek Road (approximately five miles): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

Gobar Creek (tributary to Kalama River): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Grays River, from mouth to mouth of South Fork: ((June)) September 1 through March 15 season. Trout, minimum length twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Grays River, East Fork: Trout, minimum length fourteen inches. Selective fishery regulations.

Grays River, West Fork, downstream from hatchery trap site: June 1 - August 31 season.

Green River, from mouth to 2800 Bridge: June 1 through November 30 season except closed from salmon hatchery rack to a point 1500 feet downstream during the period September 1 through November 30. Trout, minimum length twenty inches. Open only to fishing for steelhead.

Note: All tributaries closed.

From 2800 Bridge to source, including all tributaries: Closed waters.

Grizzly Lake: Closed waters.

Hamilton Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Hemlock Lake (Trout Creek Reservoir): June 1 through October 31 season. <u>Trout - daily limit - two, and minimum length fourteen inches.</u> Wild steelhead release. Selective fishery regulations.

Horseshoe Lake: ((April 30)) Last Saturday in April through ((February 28)) October 31 season.

Horsethief Lake: ((April 30)) Last Saturday in April through February 28 season.

Icehouse Lake: ((April 30)) <u>Last Saturday in April</u> through February 28 season.

Indian Heaven Wilderness Lakes: Trout - ((eateh)) daily limit - three.

Jewitt Creek: Trout - ((eateh)) daily limit - five, no minimum length. Juveniles only (under fifteen years old).

Johnson Creek (tributary to Cowlitz River): Trout, minimum length ten inches. Selective fishery regulations.

Kalama River, for all sections from mouth to Kalama Falls that are open to fishing the following regulations apply: (1) Trout, minimum length twelve inches; and (2) wild cutthroat release; and (3) wild steelhead release.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: (1) Year around season; (2) night closure, April 1 through October 31; (3) September 1 through October 31 fly fishing only((, from September 1 through October 31)) from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery; (4) from two hundred feet above to one thousand five hundred feet below the temporary rack is closed during the period the fish rack is installed; and (5) motors prohibited upstream of Modrow Bridge.

One thousand feet below fishway to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year around season.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fly fishing only.

From 6420 Road (about one mile above the gate at the end of the county road) to Kalama Falls: Closed waters.

Kidney Lake: ((April 30)) Last Saturday in April through February 28 season.

Klickitat River, from mouth to Fisher Hill Bridge: June 1 through November 30 season. Trout, minimum length twelve inches.

From Fisher Hill Bridge to four hundred feet above #5 fishway: Closed waters.

From four hundred feet above #5 fishway to the ((Yakima)) Yakama Indian Reservation boundary: June 1 through November 30 season. Trout, minimum length twelve inches. Additional December 1 through March 31 season for whitefish only. From boundary markers above Klickitat salmon hatchery to boundary markers below hatchery: Closed waters.

From the ((Yakima)) Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds: ((April-30)) <u>Last Saturday in April</u> through February 28 season.

Kress Lake: ((April 30)) Last Saturday in April through February 28 season. Bass - only bass less than twelve inches or over eighteen inches in length may be kept. Internal combustion engines prohibited.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Lewis River, from mouth to forks: Year around season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Lewis River, North Fork, from mouth to overhead powerlines below Merwin Dam: Year around season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Closed waters: Shore-

ward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder.

From lower Cedar Creek concrete boat ramp to Colvin Creek: Night closure April 1 through October 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: Trout, minimum length twelve inches. Closed October 1 through December 15 to fishing.

From overhead powerlines to Merwin Dam: Closed waters.

From Yale Dam downstream one thousand three hundred feet to the cable crossing: Closed waters.

Lewis River Power Canal and old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse: ((April 30)) Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

From Eagle Cliff Bridge to lower falls: Trout, minimum length twelve inches. Selective fishery regulations.

Lewis River, East Fork (south), the following are closed waters: (1) From the posted markers below to one hundred feet above Lucia Falls; (2) from four hundred feet below to four hundred feet above Molton Falls; and (3) from four hundred feet below Horseshoe Falls to one hundred feet above Sunset Falls.

From mouth to four hundred feet below Horseshoe Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Night closure June 1 through October 31.

From one hundred feet above Sunset Falls to source: June 1 through December 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mouth to posted markers at top boat ramp at Lewisville Park: Additional April ((45)) 16 through May 31 season. Wild steelhead release. Open only for steelhead.

Little Ash Lake: ((April 30)) Last Saturday in April through February 28 season.

Little Klickitat River, within Goldendale city limits: ((April 30)) Last Saturday in April through October 31 season. Trout - ((eatch)) daily limit - five, no minimum length. Juveniles only (under fifteen years old).

Little Nisqually River: Trout, minimum length ten inches. Selective fishery regulations.

Little White Salmon River((7)): Trout - daily limit - five. From fishway downstream to markers at federal fish hatchery a distance of one thousand five hundred feet: Closed waters.

Love Lake: Closed waters.

Mayfield Lake (Reservoir): Tiger musky - ((eatch)) daily limit - one, minimum length thirty-six inches.

Merrill Lake: Trout - ((eatch)) daily limit - two, maximum length twelve inches. Fly fishing only, except motors allowed.

Merwin (Lake) Reservoir: Trout - minimum length six inches.

Mill Creek (Cowlitz County), from mouth to forks (approximately one mile): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

Mineral Creek (tributary to Nisqually River): Trout, minimum length twelve inches. Selective fishery regulations.

Mineral Creek, North Fork: Trout, minimum length twelve inches. Selective fishery regulations.

Mineral Lake: ((April 30)) <u>Last Saturday in April</u> through September 30 season.

Muddy River (tributary to N.F. Lewis River): Trout, minimum length twelve inches. Selective fishery regulations.

Newaukum River, main river, Middle Fork and South Fork: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Newaukum River, North Fork, from mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

From Chehalis city water intake upstream: Closed waters.

Northwestern Reservoir: ((April 30)) <u>Last Saturday in</u> April through February 28 season.

Ohanapecosh Creek (tributary to Cowlitz River): Trout, minimum length twelve inches. Selective fishery regulations.

Olequa Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Outlet Creek: Trout - ((eateh)) daily limit - five.

Packwood Lake: All inlet streams and outlet from log boom to dam: Closed waters. ((April 30)) Last Saturday in April through October 31 season. Trout - ((eateh)) daily limit - five, minimum length ten inches. Selective fishery regulations.

Panther Creek (tributary to Wind River): Trout, minimum length twelve inches. Selective fishery regulations.

Pine Creek (tributary to N.F. Lewis River): Trout, minimum length twelve inches. Selective fishery regulations.

Plummer Lake: ((April 30)) <u>Last Saturday in April</u> through February 28 season.

Riffe (Lake) Reservoir: Lawful to fish up to the base of Swofford Pond Dam.

Rock Creek (Skamania County): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

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Rowland Lakes: ((April 30)) Last Saturday in April through February 28 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through ((March 15 season)) October 31 open to trout only. Release all steelhead and wild cutthroat release. Trout minimum length twelve inches. November 1 through March 15 open to trout and steelhead. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Silver Creek (tributary to Cowlitz River), mouth to USFS Road 4778: Trout, minimum length twelve inches. Selective fishery regulations.

Silver Lake: Bass - minimum length fourteen inches. Use of water dogs or salamanders for fishing prohibited.

Skamokawa Creek, mouth to forks just below Oatfield and Middle Valley Road: ((June)) November 1 through March 15 season. Trout, minimum length twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Skate Creek (tributary to Cowlitz River): Trout - ((eateh)) daily limit - five, no more than one over twelve inches in length.

((Skookumehuek River: See Region VI.))

Spearfish Lake: ((April 30)) Last Saturday in April through February 28 season.

Spirit Lake (Skamania County): Closed waters.

Spring Creek: Trout - ((eateh)) daily limit - five.

Swift Reservoir: ((April 30)) Last Saturday in April through October 31 season.

Swofford Pond: Bass - <u>daily and</u> possession limit - two. Only bass less than twelve inches or over eighteen inches <u>in length</u> may be kept. Channel catfish - minimum length twenty inches. Internal combustion engines prohibited.

Tilton River, from mouth to West Fork: June 1 through March 31 season. Trout - ((eateh)) daily limit - five, no more than one over twelve inches in length.

Tilton River, South Fork and East Fork: Trout, minimum length ten inches. Selective fishery regulations.

Tilton River, North Fork and West Fork: Trout, minimum length twelve inches. Selective fishery regulations.

Toutle River, mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Trout, minimum length twenty inches. Open only to fishing for steelhead.

From the mouth of the Green River to the posted deadline below the fish collection facility: Night closure and it is unlawful to fish with nonbuoyant artificial lures having more than one single-pointed hook.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries: Closed waters. (Note: Castle Lake, and Coldwater Lake open waters.)

Toutle River, South Fork, mouth to source (note: All tributaries closed): June 1 through November 30 season. Trout, minimum length twenty inches. Open only to fishing for steelhead.

Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Wild steelhead release. Open only to fishing for steelhead. Selective fishery regulations.

Trout Creek (tributary to Wind River): Trout, minimum length fourteen inches. Selective fishery regulations.

Trout Lake, tributary to Big White Salmon River: June 1 through October 31 season.

Tunnel Lake: ((April 30)) Last Saturday in April through February 28 season.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River: Trout - ((eateh)) daily limit - two, minimum length twelve inches.

Walupt Lake: All inlet streams closed. ((April 30)) Last Saturday in April through October 31 season. Trout, minimum length ten inches. Selective fishery regulations except motors allowed.

Washougal River, from mouth to bridge at Salmon Falls: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Night closure June 1 through October 31.

Mouth to Mt. Norway Bridge: Additional April 15 through May 31 season. Wild steelhead release. Open only for steelhead.

From bridge at Salmon Falls to its source: Closed waters.

Washougal River, West (North Fork), from mouth to the water intake at the department of wildlife hatchery: Closed waters.

From intake at department ((of wildlife)) hatchery to source: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Willame Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Trout - ((eateh)) <u>daily</u> limit - two, minimum length fifteen inches. Selective fishery regulations.

Wind River, Burlington-Northern Railroad bridge to four hundred feet below Shipherd Falls (note: Waters south of the Burlington-Northern Railroad bridge are considered part of the Columbia River): June 1 through March ((3+1)) 15 season. Trout, minimum length fourteen inches. Wild steelhead release.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source: June 1 through November 30 except closed from an upper boundary sign along Carson National Fish Hatchery grounds to a lower boundary marker 800 yards downstream June 1 through August 31. Wild steelhead release.

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Tyee Springs: Closed waters.

From one hundred feet above Shipherd Falls fish ladder to source, including all tributaries: June 1 through November 30 season. Trout, minimum length fourteen inches.

Winston Creek (tributary to Cowlitz River): Trout, minimum length ten inches. Selective fishery regulations.

Yale Reservoir: Kokanee - ((eateh)) daily limit - sixteen.

Yellowjacket Creek (tributary to Cispus River): Trout, minimum length twelve inches. Selective fishery regulations.

Yellowjacket Ponds: ((April 30)) <u>Last Saturday in April</u> through February 28 season. Trout, no more than one over twelve inches in length.

Region VI.

Description: That area of the state contained within the boundaries of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pacific, and Thurston counties and that portion of Pierce County on the Kitsap Peninsula and Fox Island.

((All state wide regulations apply to all Region VI waters unless specifically exempted or amended by Exceptions - Region VI regulations (listed for separate waters and eategories of waters).))

Exceptions - Region VI regulations. State-wide regulations apply to all waters except where modified in special regulations below. For regulations within Olympic National Park, call (206) 452-4501.

Aberdeen Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Aldrich Lake: ((April 30)) Last Saturday in April through October 31 season.

Aldwell Lake: ((April 30)) Last Saturday in April through October 31 season. Trout - ((eateh)) daily limit - two, minimum length twelve inches. Selective fishery regulations, except lawful to fish from any floating device equipped with a motor.

Alexander Lake (Kitsap County): Closed waters.

Anderson Lake (Jefferson County): Internal combustion engines prohibited. ((April 30)) Last Saturday in April through October 31 season.

From September 1 through October 31. Catch-and-release only. Selective fishery regulations.

Bay Lake: ((April 30)) Last Saturday in April through October 31 season.

Bear River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Beaver Creek (Thurston County): See Black River.

Beaver Ponds in Kitsap County, and those ponds in Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): ((April 30)) Last Saturday in April through October 31 season. Trout - no minimum length.

Benson Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Big Beef Creek: June 1 through October 31 season. Closed to the taking of cutthroat trout.

Big River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Black Lake (Pacific County): ((April 30)) <u>Last Saturday</u> in April through October 31 season.

Black River, from mouth to Black Lake and all tributaries west of Interstate Highway 5 including Waddell Creek, Mima Creek, Beaver Creek, Salmon Creek, Dempsey Creek, and Blooms Ditch: Trout, minimum length twelve inches. Selective fishery regulations.

Blooms Ditch: See Black River.

Bogachiel River, from mouth to National Park boundary: June 1 through April 30 season. Trout, minimum length fourteen inches.

Buck Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Burley Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Cady Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Trout - ((eateh)) <u>daily</u> limit - two. Fly fishing only. Internal combustion engines prohibited.

Calawah River, from mouth to forks: June 1 through April 30 season. Trout, minimum length fourteen inches.

South Fork from mouth to National Park boundary: June 1 through February 28 season. Trout, minimum length fourteen inches.

Campbell Creek (Mason County): Closed waters.

Canyon Creek (Mason County): Closed waters.

Capitol Lake, from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: June 1 through July 31 season. Trout - ((eateh)) daily limit - ((eight)) five, minimum length eight inches. Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. In accordance with WAC 236-16-020 ((Motorboats - Prohibitions-)), the operation of all motorboats is prohibited in the area of Capitol Lake north of the railroad trestle crossing said lake unless prior written authorization is first obtained from the director of general administration.

Additional August 1 through March 31 season. Trout - ((eateh)) daily limit - two, minimum length fourteen inches.

Carney Lake: ((April 30)) Last Saturday in April through June 30 and September 1 through October 31 seasons. Internal combustion engines prohibited.

Carson Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Cases Pond: Juveniles only (under fifteen years old).

Cedar Creek (Jefferson County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Chehalis River, from Union Pacific Railroad Bridge in Aberdeen to high bridge on Weyerhaeuser logging road #17 (approximately seven miles south of Pe Ell): June 1 through April 15 season. Trout, minimum length fourteen inches. Wild cutthroat release. Wild steelhead release.

Chehalis River, south fork from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout, minimum length fourteen inches. Wild cutthroat release. Wild steelhead release.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County; this does not include sloughs or beaver ponds): ((April 30)) Last Saturday in April through October 31 season.

Chimacum Creek, from mouth to Ness's Corner Road: June 1 through August 31 season. Trout, minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout, minimum length fourteen inches.

Clallam River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Clara Lake: ((April 30)) Last Saturday in April through October 31 season.

Clear Lake: ((April 30)) Last Saturday in April through October 31 season.

Clearwater River, from mouth to Snahapish River: June 1 through April 15 season. Trout, minimum length fourteen inches.

From Snahapish River upstream: Trout, minimum length fourteen inches.

((Cloquallam)) Cloquallum Creek, from mouth to second bridge on Cloquallum Road: June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

((Columbia River and impoundments and all connecting sloughs—See regulations page . . .))

Copalis River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Coulter Creek: Trout, minimum length fourteen inches.

Cranberry Creek, mouth to Lake Limerick: Closed waters.

Curley Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Cushman Reservoir: Closed to the taking of Dolly Varden Bull Trout.

Deep Creek: Closed ((to fishing for game fish)) waters.

Deep Lake: ((April 30)) Last Saturday in April through October 31 season.

Deer Creek (Mason County): Closed waters.

Deer Lake: ((April 30)) Last Saturday in April through October 31 season.

Dempsey Creek: See Black River.

Deschutes River, from old U.S. Highway 99 Bridge near Tumwater to Vail Road Bridge one mile southwest of Lawrence Lake: June 1 through March 31 season. Trout, minimum length fourteen inches.

From Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder: Closed waters.

Devereaux Lake: ((April 30)) Last Saturday in April through October 31 season.

Devil's Lake: ((April-30)) <u>Last Saturday in April</u> through October 31 season.

Dewatto River: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to bridge on Bear Creek-Dewatto Road: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Dickey River (includes all forks): June 1 through April 30 season. Trout, minimum length fourteen inches.

Dosewallips River, from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Duckabush River, from mouth to the Olympic National Park Boundary: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Dungeness River, from mouth to junction of Gray Wolf and Dungeness River: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From junction of Gray Wolf River upstream to headwaters: Trout, minimum length fourteen inches.

East Twin River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Elk River, from the Highway 105 Bridge upstream: June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

Elwha River, from mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through April 15 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited. Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek (see below): Trout, minimum length twelve inches; selective fishery regulations.

Failor Lake: ((April 30)) Last Saturday in April through October 31 season.

Goldsborough Creek: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Gorst Creek (Kitsap County), from lower bridge on the old Belfair Highway upstream to source (including tributaries): Closed waters.

From mouth upstream to lower bridge: Trout, minimum length fourteen inches.

Gosnell Creek and all its tributaries (tributary to Lake Isabella, Mason County): Trout, minimum length fourteen inches.

Grass Lake: ((April 30)) Last Saturday in April through October 31 season.

((Grays River: See Region V.))

Gray Wolf River: Trout, minimum length fourteen inches. Selective fishery regulations.

Hamma Hamma River, from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From falls to mouth of Boulder Creek: Trout - ((eateh)) daily limit - five - no minimum length.

Hammersley Inlet Freshwater Tributaries (except Mill Creek): Closed waters.

Hatchery Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Haven Lake: ((April 30)) Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hicks Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Hoh River, from mouth to ((National Park boundary and in)) mouth of South Fork and in South Fork outside National Park boundary: June 1 through April 15 season. Trout, minimum length fourteen inches.

Hoko River: Trout, minimum length fourteen inches.

From mouth to cement bridge on Lake Ozette Highway (upper Hoko Bridge): Additional November 1 through March 15 season. Trout, minimum length fourteen inches.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Catch-and-release and fly fishing only.

Hoquiam River (includes all forks): June 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Horseshoe Lake (Jefferson County): ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Horseshoe Lake (Kitsap County): ((April 30)) <u>Last</u> <u>Saturday in April</u> through October 31 season.

Howell Lake: ((April 30)) Last Saturday in April through October 31 season.

Humptulips River (mainstem), from mouth to forks: June 1 through April 30 season. Trout, minimum length fourteen inches.

East Fork, from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: June 1 through April 30 season. Trout, minimum length fourteen inches.

West Fork, from mouth to bridge on Forest Service Road ((#2302)) #2204 (about one-half mile above the mouth of Chester Creek): June 1 through April 30 season. Trout, minimum length fourteen inches.

Indian Creek (tributary to Elwha River), from mouth upstream to first Highway 101 crossing: Trout, minimum length twelve inches. Selective fishery regulations.

John's Creek (Mason County): Closed waters.

Johns River (includes North, South forks): June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

Kalaloch Creek, outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Kennedy Creek, from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Kennedy Creek Pond: ((April 30)) <u>Last Saturday in</u> April through October 31 season.

Koeneman Lake (formerly Fern Lake) (Kitsap County): ((April 30)) Last Saturday in April through October 31 season. Selective fishery regulations. Catch-and-release only.

Lawrence Lake (Thurston County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Lincoln Pond (Clallam County): Juveniles only (under fifteen years old).

Little Quilcene River, from mouth to the Little Quilcene River Bridge on Penny Creek Road: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Long Lake (Kitsap County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Long Lake (Thurston County): ((April 30)) <u>Last</u> Saturday in April through October 31 season.

Loomis Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Lost Lake (Jefferson County): ((April 30)) Last Saturday in April through October 31 season. Trout - ((eateh)) daily limit - two, minimum length fourteen inches.

Lower Lena Lake, inlet stream from mouth upstream to footbridge (about one hundred feet): Closed waters.

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Lyre River, from mouth to falls near river mile 3: June 1 through February 28 season. Trout, minimum length fourteen inches.

Remainder of river: Trout, minimum length twelve inches.

Maggie Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

((Marine Areas: See page . . .))

McAllister Creek: Trout, minimum length fourteen inches.

McDonald Creek (Clallam County): Trout, minimum length fourteen inches.

McIntosh Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

McLane Creek, from the south bridge on Highway 101 upstream: Trout, minimum length fourteen inches.

McLane Creek Pond: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Melaney Creek: Closed waters.

Melbourne Lake: ((April-30)) <u>Last Saturday in April</u> through October 31 season.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Clallam County): ((April 30)) <u>Last Saturday in April</u> through October 31 season. Juveniles only (under fifteen years old). Trout - no minimum length.

Mill Creek (Mason County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mill Creek Pond (Grays Harbor County): Juveniles only (under fifteen years old).

Mills Lake: Check Olympic National Park regulations, call (206) 452-4501.

Mima Creek: See Black River.

Minter Creek: Trout, minimum length fourteen inches. Area from department ((of fisheries)) intake dam downstream to mouth: Closed waters.

Mission Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Moclips River, from mouth to outside the Quinault Indian Reservation: June 1 through February 28 season. Trout, minimum length fourteen inches.

Mooses Pond (Pacific County): June 1 through October 31 season.

Morse Creek, from mouth to Port Angeles Dam: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Mud Lake (Mason County): ((April 30)) Last Saturday in April through October 31 season.

Munn Lake: ((April 30)) Last Saturday in April through October 31 season.

Naselle River, from Highway 101 Bridge upstream (includes all forks): Trout, minimum length fourteen inches.

Note: Waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery are closed during the period September 1 through January 31.

That area from falls in Sec. 6, T10N, R8W, (Wahkia-kum County) downstream four hundred feet: Closed waters.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. Trout, minimum length fourteen inches.

South Fork, from mouth to Bean Creek: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Nemah River (North, Middle, South): June 1 through February 28 season. Trout, minimum length fourteen inches.

Nisqually River, from mouth to four hundred feet below LaGrande Powerhouse: June 1 through February 28 season. Trout, minimum length fourteen inches.

From mouth to highway bridge at McKenna: Additional March 1 through March 31 season. Trout, minimum length fourteen inches.

North River, from Highway 105 Bridge upstream: Trout, minimum length fourteen inches.

From Highway 105 Bridge to Falls River: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Oakland Bay freshwater tributaries (except Goldsborough Creek) (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Offutt Lake: ((April 30)) Last Saturday in April through October 31 season.

Osborne Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Owens Pond (Pacific County): June 1 through October 31 season.

Ozette Lake: Check Olympic National Park regulations (206) 452-4501.

Ozette River, outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Palix River (includes all forks): June 1 through February 28 season. Trout, minimum length fourteen inches.

Panhandle Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Panther Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Pattison Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Peabody Creek (Clallam County): ((April 30)) <u>Last Saturday in April</u> through October 31 season. Juveniles only (under fifteen years old).

Percival Creek: Trout, minimum length fourteen inches.

Pine Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Pleasant Lake: Kokanee - minimum length eight inches, maximum length twenty inches.

Prices Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season. Selective fishery regulations, catch-and-release only.

((Puget Sound: See marine area regulations, page . . .))

Purdy Creek (Mason County): June 1 through August 15 season. Trout, minimum length fourteen inches.

Pysht River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Queets River: Check Olympic National Park regulations, (206) 452-4501.

Quilcene River, from mouth to upper boundary of Falls View Campground: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

From the upper boundary of Falls View Campground to the water diversion at the mouth of Tunnel Creek: Trout - ((eateh)) daily limit - five, no minimum length.

Quillayute River: June 1 through April 30 season. Trout, minimum length fourteen inches.

Quinault Lake and Lower Quinault River: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276-8211.

Quinault River, Upper, from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout, minimum length fourteen inches.

Raft River: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276-8211.

Robbins Lake: ((April 30)) Last Saturday in April through October 31 season.

Rose Lake: ((April 30)) Last Saturday in April through October 31 season.

Salmon Creek (Jefferson County, includes all forks): Closed waters.

Salmon Creek Naselle River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Salmon Creek (Thurston County): See Black River.

Salmon River (Jefferson County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Salt Creek: Trout, minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Satsop Lakes: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Satsop River (includes all forks): Trout, minimum length twelve inches. Wild cutthroat release except on east fork above Bingham Creek. Selective fishery regulations on East Fork upstream from mouth of Bingham Creek.

From mouth to bridge at Schafer Park: Additional November 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Turnow Branch, from mouth to posted deadline at bridge on Matlock Grisdale Road: Additional November 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

West Fork, from mouth to bridge on Matlock Grisdale Road: Additional November 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Sekiu River: Trout, minimum length fourteen inches.

From mouth to forks: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Shelton Creek: Closed waters.

Sherwood Creek: Trout, minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season.

Shoe Lake: ((April 30)) Last Saturday in April through October 31 season.

Siebert Creek: Trout, minimum length fourteen inches.

Silent Lake. ((April 30)) Last Saturday in April through October 31 season.

Skokomish River, mouth to forks: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Skokomish River, South Fork, mouth to mouth of Church Creek: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Mouth of Church Creek to headwaters: Trout, minimum length twelve inches. Selective fishery regulations.

Skokomish River, North Fork, mouth to lower dam: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

North Fork above Lake Cushman mouth to Olympic National Park boundary: June 1 through August 31 season. Trout catch-and-release only. Selective fishery regulations.

Skookum Creek (Mason County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Skookumchuck Reservoir: June 1 through October 31 season. Trout - ((eatch)) daily limit - two, minimum length twelve inches.

Skookumchuck River, from Skookumchuck Reservoir upstream and all tributaries: Trout, minimum length twelve inches. Selective fishery regulations.

From mouth to four hundred feet below the outlet of the PP&L/WDW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Smith Creek (Pacific County near North River): June 1 through February 28 season. Trout, minimum length fourteen inches.

Snow Creek (includes all tributaries except Crocker Lake): Closed waters.

Soleduck River, from mouth to National Park boundary: Trout, minimum length fourteen inches.

From mouth to the concrete pump station at the Soleduck Hatchery: Additional November 1 through April 30 season. Trout, minimum length fourteen inches.

From the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek: Additional November 1 through April 30 season. Trout ((-)), minimum length fourteen inches. Wild steelhead release, selective fishery regulations.

South Bend Mill Pond (Pacific County): Juveniles only (under fifteen years old).

Stevens Creek, mouth to Highway 101 Bridge: June 1 through February 28 season. Trout, minimum length fourteen inches.

Steves Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Stump Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Suez River (Sooes River): June 1 through February 28 season. Trout, minimum length fourteen inches.

Summit Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Sutherland Lake: Feeding (chumming) permitted.

Sylvia Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Tahuya River: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to the Bear Creek-Dewatto Road crossing: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead and wild cutthroat release. Tarboo Lake: ((April 30)) Last Saturday in April through October 31 season.

Tenas Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Tiger Lake: ((April 30)) Last Saturday in April through October 31 season.

Twin Lake: ((April 30)) Last Saturday in April through October 31 season.

U Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Uncle John Creek: Closed waters.

Union River (main river and tributaries upstream from watershed boundary to source): Closed waters.

From mouth to watershed boundary: Trout, minimum length fourteen inches.

From mouth to lower bridge on the Old Belfair Highway: Additional November 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Valley Creek (Clallam County): ((April 30)) <u>Last Saturday in April</u> through October 31 season. Juveniles only (under fifteen years old).

Vance Creek (Mason County): Trout, minimum length fourteen inches.

Vance Creek/Elma Ponds: ((April 30)) <u>Last Saturday in</u> April through October 31 season.

Waddell Creek: See Black River.

Ward Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

West Twin River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Wildberry Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Wildcat Lake: ((April 30)) Last Saturday in April through October 31 season.

Willapa River (includes all forks) upstream from department of wildlife boat launch in South Bend: Trout, minimum length fourteen inches.

From department of wildlife boat launch in South Bend to Forks Creek: Additional November 1 through March 31 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited from the bridge on Willapa Road (Camp One Bridge) to Forks Creek.

South Fork: Additional November 1 through last day of February ((28)) season. Trout, minimum length fourteen inches.

Falls on South Fork downstream four hundred feet: Closed waters.

Williams Creek (Pacific County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Wishkah River (includes all forks): Trout, minimum length twelve inches. Wild cutthroat release.

Mainstem from dam at Wishkah Rearing Ponds (formerly Mayr Bros.) downstream to four hundred feet below the outlet: Closed waters.

From the mouth to Cedar Creek: Additional November 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release. East and West forks: Closed waters.

Wood Lake: ((April 30)) Last Saturday in April through October 31 season.

Woodland Creek: Trout, minimum length fourteen inches.

Wooten Lake: ((April 30)) <u>Last Saturday in April</u> through October 31 season.

Wynoochee River, areas four hundred feet downstream from the bases of Wynoochee Dam and the barrier dam near Grisdale: Closed waters.

Remainder of river: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to ((road access approximately one quarter mile)) 7400 line bridge above mouth of Schafer Creek: Additional November 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Wynoochee Reservoir: June 1 through October 31 season. Trout - ((eateh)) daily limit - two, minimum length twelve inches.

Marine waters regulations.

These regulations apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below).

((Note: The above described waters lying within the boundaries of Clallam, Jefferson, Grays Harbor, Kitsap, Mason, Pacific, and Thurston counties and that portion of Pierce County on the Kitsap Peninsula and Fox Island are administered from the Region VI office in Montesano, telephone (206) 249 6522. The above described waters lying within the boundaries of Island, King, Pierce, San Juan, Skagit, Snohomish, and Whatcom counties are administered from the Region IV office in Mill Creek, telephone (206) 775 1311.)

Fishing hours: Twenty-four hours per day year around.

License requirements: A valid current Washington state department of <u>fish and</u> wildlife <u>game</u> fishing license is required to fish for game fish in marine waters.

((Note: The Washington state department of fisheries (WDF) requires persons taking Pacific salmon, food fish, shrimp, and razor clams to possess separate licenses for these species. See WDF regulations pamphlet.))

Permit requirements: A valid current steelhead ((fishing permit)) license is required of persons fishing for steelhead in marine waters. All steelhead taken from the above described marine areas shall be entered on the steelhead ((permit)) catch record card using the words Marine Area

and followed by the appropriate marine area code number($(\frac{1}{7} \text{ see page } \cdot \cdot \cdot)$).

Underwater spearfishing: Game fish may be taken by means of legal angling gear only. Spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

MARINE WATERS REGULATIONS CATCH AND MINIMUM SIZE LIMITS:

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS
Trout((*)) (Including steelhead)	Two, wild cutthroat release in	Fourteen inches
	Marine Areas 12- (Hood Canal) and 13- (South Puget Sound) Wild steelhead release in Marine Areas 1 through 13.	
Dolly		
Varden .	Closed year around to fishing for or retaining Dolly Varden/Bull Trout.	

((*Note: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily eatch limit whether kept or released. Steelhead may be caught and released while using bait until the daily eatch limit is retained. Where artificial lures or flies are used voluntarily, fish may be released until the daily eatch limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.))

Marine area codes and boundaries.

- (((1) Ilwaco West of the Megler Astoria Bridge North to Leadbetter Point.
- (2) Westport Ocean Shores From Leadbetter Point north to the Queets River.
- (3) LaPush From the Queets River north to Cape
- (4) Neah Bay From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.
- (5) Sekiu and Pillar Point—From mouth of the Sekiu River east to Low Point, mouth of the Lyre River.
- (6) East Juan de Fuca Strait From Low Point east to the Partridge Point-Point Wilson Line north to the line from Trial Island (near Victoria, B.C.) Navigation Buoy BW"R" Smith Island The most northeasterly of the Lawson Reef lighted buoys (RB1 QK F1 Bell) Northwest Island The Initiative 77 marker on Fidalgo Island.
- (7) San Juan Islands All marine waters north of the Trial Island Line described under Area 6 to the United States Canadian boundary.
- (8) Deception Pass, Hope, and Camano Islands A line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point—Shipwreek Line.
- (9) Admiralty Inlet—All waters inside and south of the Partridge Point Point Wilson Line and a line projected from the southerly tip of Possession Point one hundred ten degrees true to a shipwreek on the opposite shore and northerly of

the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

- (10) Seattle Bremerton area From the Apple Cove Point Edwards Point Line to the north tip of Vashon Island (cast-west).
- (11) Tacoma Vashon Island From the north tip of Vashon Island to the Tacoma Narrows Bridge.
- (12) Hood Canal All waters south of the Hood Canal Bridge:
- (13) South Puget Sound All waters south of the Tacoma Narrows Bridge.

COLUMBIA-RIVER-REGULATIONS))

- (1) Area 1 (Ilwaco): West of the Megler-Astoria Bridge north to Leadbetter Point. Effective January 1, 1989, Area 1 includes only waters west of the Buoy 10 Line and north to Leadbetter Point.
- (2)(a) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.
- (b) Area 2-1: Willapa Bay east of a line from Leadbetter Point to Willapa Channel Marker 8 (Buoy 8) then to the westerly most landfall on Cape Shoalwater.
- (c) Area 2-2: Grays Harbor east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty.
- (3) Area 3 (La Push): From the Queets River north to Cape Alava.
- (4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.
- (5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.
- (6) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) Navigation Buoy BW "R" Smith Island the most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell) Northwest Island the Initiative 77 marker on Fidalgo Island.
- (7) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.
- (8)(a) Area 8 (Deception Pass, Hope and Camano Islands): Line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point Shipwreck Line.
- (b) Area 8-1 (Deception Pass and Hope Island): East of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough, north of the Highway 532 Bridge between Camano Island and the mainland, and westerly of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (F1 red 4 sec.).
- (c) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (F1 red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.
- (9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110

- degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.
- (10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true eastwest through the northern tip of Vashon Island.
- (11) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.
- (12) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.
- (13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

COLUMBIA RIVER REGULATIONS

((Catch)) <u>Daily</u>, size, and possession limits: Unless specified otherwise by special regulations, for waters or categories of waters listed individually, the daily ((eatch)) limits((7)) and minimum size limits for game fish are as follows:

GAME FISH SPECIES	DAILY ((CATCH)) LIMITS	MINIMUM SIZE LIMITS
Bass	Five—not more than three over fifteen inches	None
Dolly Varden/ Bull Trout	Closed year around to fishing for or retaining Dolly Varden/Bull Trout.	
Grass Carp	It is unlawful to fish for or retain grass carp	
Trout((*)) (Including kokanee and steelhead)	Two	Eight inches
Walleye	Five, not more than one over twenty-four inches.	Eighteen inches
Whitefish	Fifteen	None
All other game fish	No limit	None
Bullfrogs	Ten	None

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily ((eateh)) limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

((*Note: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily eateh limit

whether kept or released. Steelhead may be caught and released while using bait until the daily eatch limit is retained. Where use of bait is prohibited by special regulations, or where artificial lures or flies are used voluntarily, fish may be released until the daily eatch limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.))

Including the Columbia River and impoundments and all connecting sloughs, except Wells Ponds in Region II.

Columbia River((7)) From a true north-south line through Buoy 10 to the Megler-Astoria Bridge: August 1 through March 31 season. Wild steelhead release. Fishing from the north jetty is allowed during salmon season openings. From the Megler-Astoria Bridge to the I-5 Bridge: ((Year around)) May 16 to March 31 season for steelhead and trout, except closed September 1 through September 30 at mouth of Abernathy Creek from the Washington shore to a line between Abernathy Point light and a boundary marker east of the mouth of Abernathy Creek. Wild steelhead release and wild cutthroat release ((see page . . .)). Closed to fishing for steelhead April 1 through May 15.

From the I-5 Bridge to the Highway 395 Bridge at Pasco; including Drano Lake((, 100: Year around season.)): Wild steelhead release. Closed to fishing for steelhead ((April 1)) March 16 through June 15.

Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E: Year around season. Wild steelhead release.

Closed waters: Ringold Springs Creek (Hatchery Creek).

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24), 46: June 16 through October 22 season. Wild steelhead release.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: June 1 through March 31 season. Wild steelhead release.

Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to midstream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth.

From Priest Rapids Dam to Chief Joseph Dam: Year around season. Lawful to fish to base of Washburn Pond outlet structure. Wild steelhead release.

Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - waters between the west end of the tailrace deck downstream four hundred feet to boundary marker in Okanogan County.

Above Chief Joseph Dam: See Region I, Lake Roosevelt and Region II, Rufus Woods Lake.

WSR 95-05-022 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Order 3832—Filed February 8, 1995, 8:46 a.m.]

Date of Adoption: February 8, 1995.

Purpose: Comply with increase in federal income standards effective January 1, 1995. Increase: MNIL for one person to \$486; community spouse resource level to \$74,820; and community spouse maintenance needs standard to \$1.871.

Citation of Existing Rules Affected by this Order: Amending WAC 388-507-0710 AFDC-related medical income standards, 388-513-1350 Institutional—Available resources and 388-513-1380 Institutional—Participation.

Statutory Authority for Adoption: RCW 74.08.090. Other Authority: Title XIX State Agency Letter 94-49 notice of increase in SSI level.

Pursuant to notice filed as WSR 95-02-044 on December 30, 1994.

Effective Date of Rule: Thirty-one days after filing.
February 8, 1995
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-507-0710 AFDC-related medical income standards. (1) The department shall determine income standards for AFDC-related clients as described under WAC 388-505-0590 (2) and (4).

(2) Effective January 1, ((1993)) 1995, the department shall set the medically needy income level (MNIL) at:

(a) One person	\$	((467))	486
(b) Two persons		\$	592
(c) Three persons		\$	667
(d) Four persons		\$	742
(e) Five persons		\$	858
(f) Six persons		\$	975
(g) Seven persons			,125
(h) Eight persons		\$1	,242
(i) Nine persons		\$1	,358
(j) Ten persons and abo	ve	\$1	,483

AMENDATORY SECTION (Amending Order 3808, filed 11/23/94, effective 12/24/94)

WAC 388-513-1350 Institutional—Available resources. (1) Resources are defined under chapter 388-511 WAC for an SSI-related client and under WAC 388-22-030 for an

AFDC-related client.

- (2) The methodology and standards for determining and evaluating resources are under WAC 388-513-1310, 388-513-1330, 388-513-1340, and 388-513-1360. Transfers of resources are evaluated under WAC 388-513-1365.
- (3) The department shall determine ownership of resources following Washington state community property principles for a person:
- (a) Whose most recent period of institutionalization began on or before September 30, 1989; and
 - (b) Who remains continuously institutionalized.
- (4) For purposes of Medicaid eligibility, the department shall consider resources are:
 - (a) Community resources when jointly held in the:
- (i) Names of both the institutionalized and community spouse; or
 - (ii) Name of the institutionalized spouse only.
- (b) The separate property of the community spouse
- (i) Held in the separate name of the community spouse;
- (ii) Transferred between spouses as described under WAC 388-513-1370(6).
 - (5) The department shall:
- (a) Divide by two, the total value of the community resources the spouses own; and
- (b) Assign one-half of the total value of the community resources to each spouse.
- (6) The department shall not consider a person continuously institutionalized if, for thirty consecutive days, the person:
 - (a) Is absent from an institution; or
- (b) Does not receive home-based or community-based waivered services.
- (7) For the purpose of determining Medicaid eligibility of a person, whose most recent continuous period of institutionalization starts on or after October 1, 1989, the department shall:
- (a) Exclude resources as described under WAC 388-511-1160; except, the department shall exempt one vehicle without regard to use or value when the institutionalized person has a community spouse;

- (b) Consider available to the community spouse, resources in the name of either the community spouse or the institutionalized spouse, except resources exceeding the greater of:
- (i) ((Seventy two)) Seventy-four thousand ((six)) eight hundred ((sixty)) twenty dollars effective January 1, ((1994)) 1995;
- (ii) An amount established by a fair hearing under chapter 388-08 WAC when the community spouse's resource allowance is inadequate to provide a minimum monthly maintenance needs allowance; or
- (iii) An amount ordered transferred to the community spouse by the court.
- (c) Ensure resources available to the community spouse are in the name of the community spouse or transferred to the community spouse or to another person for the sole benefit of the community spouse:
- (i) Before the first regularly scheduled eligibility review; or
- (ii) As soon as practicable thereafter, taking into account such time as may be necessary to obtain a court order for the support of the community spouse.
- (d) Consider resources greater than such resources described under subsection (7)(b) of this section available to the institutional spouse.
- (8) The department shall consider resources of the community spouse:
 - (a) Unavailable to the institutionalized spouse:
- (i) The month after the institutionalized spouse is determined eligible for institutional benefits; and
- (ii) While the institutionalized spouse remains in a continuous period of institutionalization.
- (b) Available to the institutionalized spouse when the institutionalized spouse:
- (i) Acquires resources which, when added to resources held by the institutionalized spouse, exceed the one-person resource maximum, if the most recent period of institutionalization began on or after October 1, 1989; or
- (ii) Has a break of thirty days or more in a period of institutionalization.

<u>AMENDATORY SECTION</u> (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-513-1380 Institutional—Participation. (1) In reducing payment to the institution, the department shall consider the institutionalized client's:

- (a) Income under WAC 388-513-1330 (3)(a), (b), (c), and (d); and
- (b) Resources under WAC 388-513-1350, 388-513-1360, and 388-513-1365.
- (2) In reducing payment to the institution, the department shall consider the eligible institutionalized client's excess resources available to meet the cost of care after the following allocations:
- (a) Health insurance and Medicare premiums, deductions, and co-insurance not paid by a third party; and
- (b) Noncovered medical bills which are the liability of the client and not paid by a third party.
- (3) The department shall not use allocations used to reduce excess resources under subsection (2) of this section to reduce income under subsection (4) of this section.

- (4) The department shall deduct the following amounts, in the following order, from the institutionalized client's total income, including amounts disregarded in determining eligibility:
 - (a) Specified personal needs allowance as follows:
- (i) One hundred sixty dollars for a veteran living in a Medicaid-certified state veteran's home nursing facility:
- (ii) Ninety dollars for a single veteran receiving an improved veteran's pension; or
- (iii) Forty-one dollars and sixty-two cents for all other clients in medical institutions.
 - (b) Unearned income which:
- (i) Is mandatorily withheld for income tax purposes before receipt by the client; and
- (ii) Does not exceed the one-person medically needy income level less the client's personal needs allowance.
- (c) Wages not to exceed the one-person medically needy income level less the client's personal needs allowance for a client who:
 - (i) Is SSI-related; and
- (ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less restrictive placement. When determining this deduction, the department shall:
- (A) Not allow a deduction for employment expenses; and
- (B) Apply the client's wages not deducted under this subsection to the client's cost of care.
- (d) An amount an SSI or AFDC client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance.
- (e) A monthly needs allowance for the community spouse not to exceed one thousand eight hundred ((seventeen)) seventy-one dollars, unless specified in subsection (6) of this section. The department shall ensure the monthly needs allowance is:
- (i) An amount added to the community spouse's gross income to provide a total community spouse's income of one thousand two hundred fifty-eight dollars; and
- (ii) Excess shelter expenses as specified under subsection (5) of this section.
- (f) An amount for the maintenance needs of each ((dependant)) dependent family member residing with the community spouse:
- (i) Equal to one-third of the amount one thousand two hundred thirty dollars exceeds the family member's income. Child support received from an absent parent is the child's income
 - (ii) "Family member" means a:
 - (A) Dependent or minor child;
 - (B) Dependent parent; or
- (C) Dependent sibling of the institutionalized or community spouse.
- (g) When an institutional client does not have a community spouse, an amount for the maintenance needs of family members residing in the client's home equal to the medically needy income level for the number of legal dependents in the home less the income of the dependents.
- (h) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:
- (i) Health insurance premiums, coinsurance, or deductible charges; and

- (ii) Necessary medical care recognized under state law, but not covered under Medicaid.
- (i) Maintenance of the home of a single person or couple:
 - (i) Up to one hundred eighty dollars per month;
 - (ii) Limited to a six-month period; and
- (iii) When a physician has certified that the client is likely to return to the home within the six-month period; and
- (iv) Social service staff shall document initial need for the income exemption and review the person's circumstances after ninety days.
- (5) For the purposes of this section, the department shall ensure excess shelter expenses:
- (a) Means the actual required maintenance expenses for the community spouse's principal residence for:
 - (i) Rent;
 - (ii) Mortgage;
 - (iii) Taxes and insurance;
- (iv) Any maintenance care for a condominium or cooperative; and
- (v) The food stamp standard allowance for utilities, provided the utilities are not included in the maintenance charges for a condominium or cooperative.
- (b) Do not exceed three hundred sixty-nine dollars, effective April 1, 1994.
- (6) The department shall determine the amount the institutional spouse allocates to the community spouse may only be greater than the amount in subsection (4)(d)(i) of this section when:
- (a) A court enters an order against the institutionalized client for the community spouse support; or
- (b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.
- (7) The client shall use the income remaining after allocations specified in subsection (4) of this section toward payment of the client's cost of care at the department rate.
 - (8) SSI-related clients:
- (a) SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility when the:
- (i) Stay in the institution or facility is not expected to exceed three months; and
- (ii) SSI-related clients plan to return to former living arrangements.
- (b) The department shall not consider the SSI payment when computing the client's participation amount.
- (9) The department shall not consider income from reparation payments made by the Federal Republic of Germany when computing the client's participation amount.

WSR 95-05-023 PERMANENT RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance) [Order 3833—Filed February 8, 1995, 8:47 a.m.]

Date of Adoption: February 8, 1995.

Purpose: HCFA has approved a requested amendment to the state plan. Exempt an increase or change in income during the certification period for a child determined eligible for a Medicaid program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-509-0960 Children's income standards.

Statutory Authority: Letter from HCFA approving Sta

Other Authority: Letter from HCFA approving State Plan Transmittal 94-21.

Pursuant to notice filed as WSR 95-02-045 on December 30, 1994.

Effective Date of Rule: Thirty-one days after filing.
February 8, 1995
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3769, filed 8/10/94, effective 9/10/94)

WAC 388-509-0960 Children's income standards. (1) The department shall determine a child meeting the eligibility requirements under WAC 388-509-0910 eligible as categorically needy when the total family countable income does not exceed two hundred percent of the federal poverty level (FPL). The department shall find that two hundred percent of the current FPL equals:

Family Size	Monthly Income	
(((1))) (a) One	\$1,227	
$((\frac{2}{2}))$ (b) Two	\$1,640	
(((3))) (c) Three	\$2,054	
(((4))) d Four	\$2,467	
(((5))) (e) Five	\$2,880	
$((\frac{(6)}{(6)}))$ $\overline{(f)}$ Six	\$3,294	
(((7))) (g) Seven	\$3,707	
(((8))) (h) Eight	\$4,120	

(((9))) (i) For family units with more than eight members, add \$414 to the monthly income for each additional member.

(2) For a child determined eligible under WAC 388-509-0910, the department shall not consider a change in family income during the certification period.

WSR 95-05-031 PERMANENT RULES COMMISSION ON JUDICIAL CONDUCT

[Order 95-01—Filed February 8, 1995, 2:22 p.m.]

Date of Adoption: February 3, 1995.

Purpose: To implement chapter 42.52 RCW (ESSB 6111, chapter 154, Laws of 1994, Ethics in public service). Statutory Authority for Adoption: RCW 42.52.370.

Other Authority: Article IV, section 31 of State Constitution.

Pursuant to notice filed as WSR 95-01-099 on December 20, 1994.

Changes Other than Editing from Proposed to Adopted Version: The definition of "employee" in WAC 292-09-040 was clarified to include state officers, except judges, to

conform with the Washington State Constitution, statutes, and chapters 292-08 and 292-12 WAC.

Effective Date of Rule: Thirty-one days after filing.
February 3, 1995
Ruth V. Schroeder
Chair

Chapter 292-09 WAC AGENCY PROCEDURAL RULES

NEW SECTION

WAC 292-09-010 Purpose of this chapter. The purpose of this chapter is to provide rules implementing the Ethics in Public Service Act (chapter 42.52 RCW) according to procedures prescribed in Article IV, Section 31, of the Constitution of the state of Washington and chapter 2.64 RCW for the commission on judicial conduct.

All proceedings involving state employees of the judicial branch of state government, except "judges" as defined in chapter 292-08 WAC, shall proceed under the rules set forth in this chapter. All proceedings involving "judges" as defined in RCW 2.64.010 and the Code of Judicial Conduct shall proceed exclusively under the rules set forth in chapters 292-08 and 292-12 WAC.

NEW SECTION

WAC 292-09-020 Role of the commission on judicial conduct. The commission on judicial conduct is constitutionally created to investigate and consider complaints concerning judges. The commission also has jurisdiction to investigate and consider complaints of violations of the Ethics in Public Service Act (chapter 42.52 RCW) or rules adopted under it, concerning state employees of the judicial branch.

NEW SECTION

WAC 292-09-030 Organization of the commission on judicial conduct. Six members of the commission must be present to take action at a commission business meeting. The adoption of or amendment to the rules of the commission shall require the affirmative vote of six members of the commission.

NEW SECTION

WAC 292-09-040 Definitions. In these rules:

"Adjudicative proceeding" means a proceeding before the commission in which the person involved is given notice and an opportunity to be heard after a determination of reasonable cause that a violation of chapter 42.52 RCW or rules adopted under it has been or is being committed.

"Administrative law judge" means a person assigned by the office of administrative hearings in accordance with chapter 34.12 RCW and appointed by the commission to hear and take evidence with respect to charges against a state employee of the judicial branch.

"Commission" means the commission on judicial conduct.

"Complainant" means the organization, association, or person who makes a complaint alleging violation of chapter 42.52 RCW or rules adopted under it.

"Complaint" means a written statement on a form provided by the commission alleging facts which may upon investigation lead to a finding of a violation of chapter 42.52 RCW or rules adopted under it.

"Determination" means a written statement finding that there is or that there is not reasonable cause to believe that a violation of chapter 42.52 RCW or rules adopted under it has been or is being committed.

"Employee" means a state employee or state officer (as defined in RCW 42.52.010) of the judicial branch of state government, except "judges" (as defined in RCW 2.64.010 and the Code of Judicial Conduct), or the employee's attorney, as the context suggests.

"Enforcement action" means the imposition of sanctions, which may include one or more of the following:

- A reprimand;
- A recommendation that the employing agency commence disciplinary action against an employee; and/or
- An order for payment of any damages, civil penalties, and/or costs as permitted by chapter 42.52 RCW.

Any order for payment shall also include a reprimand. "Fact-finder" means the commission or an administrative law judge appointed by the commission.

"Hearing" means a public hearing conducted in an adjudicative proceeding.

"Investigative panel" means a four-member subcommittee of the commission consisting of two public members, a judge, and a lawyer. The investigative panel shall make all determinations concerning reasonable cause. The panel shall perform oversight functions for commission investigative and prosecutorial functions. Members who serve on the investigative panel shall not serve as the presiding officer at any hearing in the same proceeding.

"Meeting" means a business meeting of the commission for any purpose other than a public hearing or executive session involving the investigation or consideration of a complaint.

"Member" means a member of the commission and includes alternates acting as members.

"Public member" means a member of the commission who is neither a lawyer nor a judge.

"Reprimand" means an enforcement action of the commission that finds that the conduct of the respondent violates chapter 42.52 RCW or rules adopted under it. A reprimand may include a requirement that the respondent follow a specified corrective course of action. The commission shall issue a written reprimand and may require the respondent to appear personally before the commission for a public reading of the reprimand. The commission shall provide a copy of the reprimand to the respondent's employing agency.

"Respondent" means a state employee of the judicial branch who is the subject of a complaint, or the employee's attorney, as the context suggests.

"Staff" means the employees, or others under personal service contract or agreement, engaged to perform commission duties and to exercise commission powers.

NEW SECTION

WAC 292-09-050 Complaints and investigations. (1) Any organization, association, or person, including a member of the commission, may make a complaint to the commission alleging violation of chapter 42.52 RCW or rules adopted under it. A complaint shall be made in writing on a form provided by the commission. A complaint may be made personally or by the complainant's attorney.

- (2) Upon receipt of a complaint, the commission staff shall investigate and evaluate the allegations. The investigation shall be limited to the facts alleged in the complaint. On every complaint received, the commission staff shall make a written recommendation that there is or that there is not reasonable cause to believe that a violation of chapter 42.52 RCW or rules adopted under it has been or is being committed. The investigative panel shall make a written determination whether there is reasonable cause based upon the complaint and the recommendation. A copy of the determination shall be provided to the complainant and to the respondent. If the determination concludes that there is no reasonable cause, a copy shall also be provided to the attorney general.
- (3) Complaints pursuant to RCW 42.52.450 shall be investigated by the attorney general. As appropriate, pursuant to RCW 42.52.470, the investigative panel or the commission may refer a complaint to the employing agency, the attorney general, or the prosecutor.

NEW SECTION

WAC 292-09-060 Determination of reasonable cause. If the investigative panel determines that reasonable cause exists that the respondent has violated chapter 42.52 RCW or rules adopted under it, the commission shall schedule a public hearing on the merits of the complaint.

NEW SECTION

WAC 292-09-070 Respondent's answer to complaint. The respondent shall file a written answer to the complaint not later than thirty days after receipt of the determination that there is reasonable cause. Failure to file a written answer shall be deemed an admission to the facts alleged in the complaint and the determination.

NEW SECTION

WAC 292-09-080 Stipulated dispositions. Any matter before the commission may be disposed of by a stipulation at any stage of the proceeding. The respondent and a member of the commission staff shall sign the stipulation before presentation to the commission. The commission may impose any terms and conditions deemed appropriate. If the stipulation is rejected by the commission, the stipulation shall be withdrawn and cannot be used by or against the respondent in any proceeding.

When a stipulation which disposes of a complaint is accepted by the commission, the commission shall provide a copy of the stipulation to the attorney general and the complainant.

NEW SECTION

WAC 292-09-090 Adoption of model rules of procedure. Part IV—Adjudicative Proceedings—of chapter 34.05 RCW and the model rules of procedure, chapter 10-08 WAC, adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use by the commission. In the case of conflict between chapter 34.05 RCW or the model rules of procedure and procedural rules adopted in this chapter, the procedural rules adopted by the commission shall take precedence.

NEW SECTION

WAC 292-09-100 Presiding officer. (1) In matters involving an adjudicative proceeding, the commission may designate as presiding officer a member of the commission, or an administrative law judge assigned by the office of administrative hearings under the authority of chapter 34.12 RCW.

(2) A person who has served as an investigator, prosecutor, or advocate in any stage of an adjudicative proceeding, or someone who is subject to the authority or direction of such a person, may not serve as a presiding officer in the same proceeding.

NEW SECTION

WAC 292-09-110 Discovery. The statutes and court rules regarding pretrial procedures in civil cases in superior courts of the state of Washington shall be used where applicable unless in conflict with this chapter.

NEW SECTION

WAC 292-09-120 Discovery—Authority of presiding officer. The presiding officer may permit discovery in an adjudicative proceeding. The presiding officer shall have the power to control the frequency and nature of discovery permitted and to order conferences to discuss discovery issues.

NEW SECTION

WAC 292-09-130 Fact-finding hearing. (1) Upon filing of a determination of reasonable cause, a public fact-finding hearing will be scheduled at a location and time selected by the commission. The respondent shall have at least twenty days notice of the hearing and shall appear at the hearing in person, with or without counsel.

- (2) Where there is a possibility that the respondent may be liable for a total amount of penalty and costs of more than five hundred dollars, the respondent may choose to have an administrative law judge conduct the hearing. The respondent shall indicate such choice in writing within thirty days after receipt of the determination. Notwithstanding the respondent's choice, the commission may, on its own initiative, retain an administrative law judge.
- (3) Testimony taken at the hearing shall be under oath and recorded.
- (4) The case in support of the complaint shall be presented at the hearing by commission staff. After the staff's case in chief, the respondent shall have the opportuni-

- ty to present evidence. Both parties shall have the opportunity to cross-examine witnesses.
- (5) If, based upon a preponderance of the evidence, the fact-finder finds that the respondent has violated chapter 42.52 RCW or rules adopted under it, the fact-finder shall file an order stating findings of fact, conclusions, and an enforcement action.
- (6) If, based upon all the evidence, the fact-finder finds that the respondent has not engaged in an alleged violation of chapter 42.52 RCW or rules adopted under it, the fact-finder shall file an order stating findings of fact, conclusions, and an order dismissing the complaint.
- (7) Civil penalties included within an enforcement action shall be established based upon the following nonexclusive aggravating and mitigating factors:
- (a) Whether the violation is an isolated instance or evidences a pattern of conduct;
- (b) The nature, extent, and frequency of occurrence of the violation:
- (c) Whether the employee acknowledged or recognized that the violation occurred;
- (d) Whether the employee has evidenced an effort to change or modify the conduct that resulted in a violation;
 - (e) The length of service of the employee;
- (f) Whether there have been prior violations of ethics rules by the employee;
- (g) The effect the violation has upon the integrity and respect for the judiciary; and
- (h) The extent to which the employee exploited the position to satisfy personal desires.
- (8) If the fact-finder is not the commission, the decision shall be entered as an initial order. Unless the respondent or the commission's staff files a petition for review of an initial order within twenty days of service of the initial order, the commission may adopt the initial order as its final order without further notice to the respondent. If the commission, upon its own motion, determines that the initial order should be reviewed, notice shall be given to the respondent.

NEW SECTION

WAC 292-09-140 Documents—Filing. Any document filed with the commission under the provisions of the Administrative Procedure Act, chapter 34.05 RCW; model rules of procedure, chapter 10-08 WAC; and this chapter shall be filed with the Commission on Judicial Conduct, 908 5th Avenue S.E., P.O. Box 1817, Olympia, WA 98507.

Unless otherwise required by law, filing of a document with the commission shall be made personally, by first class mail, by certified or registered mail, by commercial parcel delivery company, or by facsimile and same-day mailing or original showing same-day postmark. Filing shall occur within the period of time specified for filing by statute, rule, or order.

NEW SECTION

WAC 292-09-150 Witness fees. All witnesses shall receive fees and expenses in the amount allowed by law for witnesses in the superior court. The person calling the witness shall be responsible for paying the witness's fees and expenses.

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NEW SECTION

WAC 292-09-160 Subpoenas. (1) Investigative. The commission may subpoena witnesses, compel their attendance, administer oaths, take testimony of a person under oath, or require production for examination of any books, accounts, records, certificates, or papers relating to any matter under investigation or in question before the commission. Subpoenas may be issued by any member of the commission.

(2) Adjudicative. Subpoenas shall be issued and enforced as provided by chapter 10-08 WAC, chapter 34.05 RCW, and chapter 42.52 RCW, as appropriate.

NEW SECTION

WAC 292-09-170 Judicial review. Except as otherwise provided by law, judicial review of a commission order that a violation of chapter 42.52 RCW or rules adopted under it has occurred is governed by the provisions of chapter 34.05 RCW applicable to review of adjudicative proceedings.

WSR 95-05-032 PERMANENT RULES BOARD OF TAX APPEALS

[Order 95-02-Filed February 8, 1995, 2:25 p.m.]

Date of Adoption: January 27, 1995.

Purpose: To amend existing rules to comply with statutory changes and to clarify language or to make other minor housekeeping changes.

Citation of Existing Rules Affected by this Order: Amending WAC 456-10-110, 456-10-140, 456-10-320, 456-10-325, 456-10-330, 456-10-340, 456-10-360, 456-10-505, 456-10-510, 456-10-525, 456-10-530, 456-10-730, and 456-10-755.

Statutory Authority for Adoption: RCW 82.03.170. Pursuant to notice filed as WSR 95-01-102 on December 20, 1994.

Effective Date of Rule: Thirty-one days after filing.

January 27, 1995

R. A. Virant

Executive Director

AMENDATORY SECTION (Amending WSR 90-11-106, filed 5/22/90, effective 6/22/90)

WAC 456-10-110 **Definitions.** As used in this chapter, the following terms shall have the following meaning:

- (1) "Board" means the board of tax appeals as described in chapter 82.03 RCW and chapters 456-09 and 456-10 WAC. Where appropriate, the term "board" also refers to the designated hearing officers or agents of the board of tax appeals.
- (2) "Presiding officer" or "hearing officer" shall mean any member of the board, tax referee, administrative law judge, or any person who is assigned to conduct a conference or hearing by the board. The presiding officer shall have authority as provided by WAC 10-08-200 and chapter 34.05 RCW.

- (3) "Appellant" means a person, natural or otherwise, who appeals any order or decision to the board of tax appeals.
- (4) "Respondent" means a person, natural or otherwise, who is named as a responding party in any appeal before the board of tax appeals.
- (5) "Formal hearing" means a proceeding conducted pursuant to the Administrative Procedure Act, chapter 34.05 RCW.
- (6) "Informal hearing" means a proceeding governed by those rules specified in chapter 456-10 WAC.
- (7) "Decision" means a written judgment or ruling, including orders, issued by the board of tax appeals or the designated hearing officers or agents of the board of tax appeals.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-140 Organization and office. The board consists of three members, one of whom is elected chair. Members of the board are appointed by the governor with the consent of the senate and serve on a full-time basis.

The board offices are open each day for the transaction of business from 8:00 a.m. to 5:00 p.m., excluding Saturdays, Sundays, and legal holidays. All submissions, requests, and communications shall be sent to the board at its principal office at 910 5th Avenue S.E., ((Mailstop EW 12)) Post Office Box 40915, Olympia, Washington 98504-0915.

AMENDATORY SECTION (Amending WSR 90-11-103, filed 5/22/90, effective 6/22/90)

WAC 456-10-320 Notice of appeal—Service and filing. (1) ((Except as provided in subsection (2) of this section,)) Notice of appeal shall be filed with the board and a copy served upon all other parties in accordance with the provisions of this chapter. A certificate of service shall be filed with the board pursuant to WAC 456-10-440.

(2)(((a) Notice of an appeal authorized under RCW 82.03.130(2) (appeal from action of the board of equalization) shall be filed in duplicate with the appropriate county auditor within thirty days after the mailing of the board of equalization's decision; and the appellant shall serve a copy of the notice on all other named parties.

- (b) In King County, notice of appeal shall be filed in duplicate with the clerk of the county council.
- (e) The county auditor or clerk-shall transmit one copy of the notice of appeal to the board and shall transmit one copy to the clerk of the board of equalization.
- (d))) Appeals not timely filed and served as provided by statute and this regulation shall be dismissed. Appeals not properly filed and served may be dismissed if the appealing party fails to substantially comply with this regulation.

AMENDATORY SECTION (Amending WSR 94-07-043, filed 3/10/94, effective 4/10/94)

WAC 456-10-325 Date of filing—((Faesimile)) Filing via facsimile machine transmission. (1) ((Except as provided in subsection (3) of this section,)) The date of filing of a notice of appeal shall be the date of actual receipt by the board at its Olympia office if the appeal is to be hand

delivered. The <u>board's</u> date stamp placed thereon shall be prima facie evidence of the date of receipt. If the filing of the notice of appeal is by mail, the postmark will control and shall be prima facie evidence of the date of filing.

- (2) ((Except as provided in subsection (3) of this section,)) All documents may be filed with the board via facsimile machine transmission. However, filing will not be deemed complete unless the following procedures are strictly observed:
- (a) A facsimile document will only be stamped "received" by the board between the hours of 8:00 a.m. and 5:00 p.m. excluding Saturdays, Sundays, and legal holidays. Any transmission not completed before 5:00 p.m. will be stamped "received" on the following business day. The date and time indicated by the board's facsimile machine shall be prima facie evidence of the date and time of receipt of transmission.
- (b) The original document must be filed with the board within ten <u>business</u> days from the date of transmission.
 - (c) All transmissions are sent at the risk of the sender.
- (((3) In appeals pursuant to RCW 82.03.130(2) (appeal from board of equalization) the date of filing shall be the date of receipt by the county auditor or, in King County, the elerk of the county council if the appeal is to be hand delivered. The date stamp placed on the notice of appeal by the auditor or clerk shall be prima facie evidence of the date of receipt. If the filing of the notice of appeal is by mail, the postmark will control and shall be prima facie evidence of the date of filing.))

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-330 Acknowledgement of notice of appeal. ((Upon written request of an appellant,)) The board will acknowledge receipt of a notice of appeal ((indicating the date of filing if the appellant submits a self-addressed stamped envelope with the request)).

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

- WAC 456-10-340 Jurisdiction—Issue raised by board—Procedure. (1) Any party may, by motion, challenge the jurisdiction of the board in any appeal. The board may, upon its own motion, raise such jurisdictional issues.
- (2) When the board determines that an appeal has been untimely filed, an order of dismissal will be mailed to all parties. An exception to the order of dismissal may be filed within twenty <u>calendar</u> days after mailing of such order. The ((original and three copies of the)) exception shall be filed with the board and a copy served upon all other parties.

AMENDATORY SECTION (Amending WSR 94-07-043, filed 3/10/94, effective 4/10/94)

WAC 456-10-360 Conversion of hearing. (1) The respondent, as a party to an appeal pursuant to RCW 84.08.130(((2))) (appeal from board of equalization) may, within twenty calendar days from the date of mailing of the notice of appeal, file with the clerk of the board a notice of intention that the hearing be a formal hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

- (2) In appeals under RCW 82.03.190 and 82.03.130(5), ((except as otherwise provided in this subsection and subsection (2) of this section,)) the department of revenue may, within thirty calendar days of receipt of the notice of appeal, file with the board a notice of its intention that the hearing be held pursuant to the Administrative Procedure Act, chapter 34.05 RCW.
- (3) The parties may agree at any time before hearing, in writing, to convert the proceedings to either a formal or informal hearing.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-505 Advance submission of evidence—Delivery to adverse party. (1) ((Copies of all)) Documentary evidence which ((are)) is to be introduced at hearing shall be submitted to the board ((in advance. The department of revenue, department of natural resources, or the assessor shall submit such evidence at least ten business days prior to hearing. The taxpayer or other party shall submit such evidence)) at least ((five-)) ten business days prior to hearing. Failure to comply may be grounds for exclusion of such evidence or dismissal in accordance with WAC 456-10-555.

- (2) Evidence of comparable sales, listed in the notice of appeal, which are subsequently changed, shall conform to this section and will be excepted from the requirements of WAC 456-10-345 (Amendments of notice of appeal).
- (3) All correspondence and all subsequent pleadings or papers filed with the board shall indicate that copies have been mailed or delivered to the attorney or representative of record or the adverse party if not represented.
- (4) An acknowledgement of service or certificate of mailing as provided in WAC 456-10-440 shall be filed with the board together with the advance submission of documentary evidence as required in subsection (1) of this section.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-510 Hearing—Setting of time and place. (((1) The board will not schedule a hearing within thirty days after filing the notice of appeal unless all parties agree otherwise.

(2))) The board will set a time and place for hearing. The parties shall, upon request of the board, submit written estimates of the time that will be required to hear the matter.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-525 Briefs. The original and ((four eopies)) one copy of briefs shall be filed with the board at least ((five)) ten business days prior to hearing unless otherwise provided by the board. When briefs are filed, a copy shall also be served on the other parties. The board may permit or require the filing of additional briefs.

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AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-530 Hearing—Notice of hearing—Time—Contents. (1) Time. Notice of a hearing shall be mailed to all parties not less than twenty <u>calendar</u> days before the hearing date. The twenty-day notice provision may be waived by agreement of all parties.

- (2) Contents. The notice shall contain:
- (a) The names and mailing addresses of the parties and their representatives, if any;
 - (b) The docket number and name of the proceeding;
- (c) The name, official title, mailing address, and telephone number of the presiding officer, if known;
- (d) A statement of the time, place, date, and general nature of the proceeding (e.g., excise, property, etc.);
- (e) A statement that the hearing is held pursuant to this chapter and chapter 82.03 RCW;
- (f) A statement of the issues or matters asserted and the particular sections of the statutes or rules involved as stated in the notice of appeal and responsive pleading, if any;
- (g) ((A statement that if a qualified interpreter is needed, one will be appointed at no cost to the party or witness upon five days written notice; and
- (h))) A statement that a party who fails to attend or participate at a hearing may be held in default in accordance with WAC 456-10-550; and
- (h) A statement that, if a limited-English speaking or hearing-impaired party or witness needs an interpreter, a qualified interpreter will be appointed at no cost to the party or witness. The notice shall also state that persons with disabilities may request reasonable accommodations to allow their participation in the hearing. The notice shall include a form for a party to indicate if an interpreter is needed and identification of the primary language, or if a participant is hearing impaired; or to describe the reasonable accommodations requested.

AMENDATORY SECTION (Amending WSR 90-11-106, filed 5/22/90, effective 6/22/90)

WAC 456-10-730 Exceptions to proposed decision.

- (1) Time for filing. Any party may make, by mail or otherwise, a written exception with the board within twenty <u>calendar</u> days from the date of mailing of the proposed decision or, upon timely application, within such further time as the board may allow. ((An original and four copies)) The <u>statement of exceptions</u> shall be filed with the board, and a copy shall be served on all other parties.
- (2) Contents. Exceptions shall contain the specific factual and legal grounds upon which the exception is based. The party or parties making the exception shall be deemed to have waived all objections or irregularities not specifically set forth. The statement of exceptions may contain the exceptor's proposed findings of fact and/or conclusions of law addressing the factual and legal issues to which exceptions are being taken.
- (3) Failure of a party to comply with the requirements for exceptions may result in the board issuing ((an order)) a decision adopting the proposed decision as the final decision of the board on the ground that no legally sufficient statement of exceptions had been made.

AMENDATORY SECTION (Amending WSR 90-11-106, filed 5/22/90, effective 6/22/90)

WAC 456-10-755 Petition for reconsideration. After a final decision has been issued, any party may file a petition for reconsideration with the board. Such petition must be made, by mail or otherwise, within ten <u>business</u> days from the mailing of the final decision. The ((original and four copies of the)) petition for reconsideration shall be filed with the board and served upon all parties and representatives of record. The board may require that a response be made and served in the same manner. The filing of a petition for reconsideration shall suspend the final decision until action by the board. The board may deny the petition, modify its decision, or reopen the hearing. A petition for reconsideration is not available where a proposed decision was first issued.

WSR 95-05-033 PERMANENT RULES BOARD OF TAX APPEALS

[Order 95-01—Filed February 8, 1995, 2:28 p.m.]

Date of Adoption: January 27, 1995.

Purpose: To amend existing rules to comply with statutory changes and to clarify language or to make other minor housekeeping changes.

Citation of Existing Rules Affected by this Order: Amending WAC 456-09-110, 456-09-130, 456-09-230, 456-09-320, 456-09-325, 456-09-330, 456-09-340, 456-09-350, 456-09-365, 456-09-540, 456-09-705, 456-09-710, 456-09-725, 456-09-730, 456-09-930, 456-09-935, 456-09-945, and 456-09-955.

Statutory Authority for Adoption: RCW 82.03.170. Pursuant to notice filed as WSR 95-01-101 on December 20, 1994.

Effective Date of Rule: Thirty-one days after filing.

January 27, 1995

R. A. Virant

Executive Director

AMENDATORY SECTION (Amending WSR 90-11-105, filed 5/22/90, effective 6/22/90)

WAC 456-09-110 **Definitions.** As used in this chapter, the following terms shall have the following meaning:

- (1) "Board" means the board of tax appeals as described in chapter 82.03 RCW and chapters 456-09 and 456-10 WAC. Where appropriate, the term "board" also refers to the designated hearing officers or agents of the board of tax appeals.
- (2) "Presiding officer" or "hearing officer" shall mean any member of the board, tax referee, administrative law judge, or any person who is assigned to conduct a conference or hearing by the board. The presiding officer shall have authority as provided by WAC 10-08-200 and chapter 34.05 RCW.
- (3) "Appellant" means a person, natural or otherwise, who appeals any order or decision to the board of tax appeals.

- (4) "Respondent" means a person, natural or otherwise, who is named as a responding party in any appeal before the board of tax appeals.
- (5) "Formal hearing" means a proceeding conducted pursuant to the Administrative Procedure Act, chapter 34.05 RCW.
- (6) "Informal hearing" means a proceeding governed by those rules specified in chapter 456-10 WAC.
- (7) "Decision" means a written judgment or ruling, including orders, issued by the board of tax appeals or the designated hearing officers or agents of the board of tax appeals.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-130 Organization and office. The board consists of three members, one of whom is elected chair. Members of the board are appointed by the governor with the consent of the senate and serve on a full-time basis.

The board offices are open each day for the transaction of business from 8:00 a.m. to 5:00 p.m., excluding Saturdays, Sundays, and legal holidays. All submissions, requests, and communications shall be sent to the board at its principal office at 910 5th Avenue S.E., ((Mailstop EW-12)) Post Office Box 40915, Olympia, Washington 98504-0915.

AMENDATORY SECTION (Amending WSR 90-11-105, filed 5/22/90, effective 6/22/90)

- WAC 456-09-230 Ex parte communication. (1) No one shall make or attempt to make any ex parte communications prohibited by the Administrative Procedure Act. The board, in conducting a formal proceeding governed by the Administrative Procedure Act, may not make or attempt to make ex parte communications prohibited by such act. Attempts by anyone to make such prohibited ex parte communications shall subject such person to the sanctions of WAC 456-09-220 and 456-09-750.
- (2) The requirements and procedures of RCW 34.05.455 apply to ex parte communications.

AMENDATORY SECTION (Amending WSR 90-11-104, filed 5/22/90, effective 6/22/90)

- WAC 456-09-320 Notice of appeal—Service and filing. (1) ((Except as provided in subsection (2) of this section,)) Notice of appeal shall be filed with the board and a copy served upon all other parties in accordance with the provisions of this chapter. A certificate of service shall be filed with the board pursuant to WAC 456-09-440.
- (2)(((a) Notice of an appeal authorized under RCW 82.03.130(2) (appeal from action of the board of equalization) shall be filed in duplicate with the appropriate county auditor within thirty days after the mailing of the board of equalization's decision; and the appellant shall serve a copy of the notice on all other named parties.
- (b) In King County, notice of appeal shall be filed in duplicate with the clerk of the county council.
- (e) The county auditor or clerk shall transmit one copy of the notice of appeal to the board and shall transmit one copy to the clerk of the board of equalization.

(d))) Appeals not timely filed <u>and served</u> as provided by statute and this regulation shall be dismissed. Appeals not properly filed <u>and served</u> may be dismissed if the appealing party fails to substantially comply with this regulation.

AMENDATORY SECTION (Amending WSR 94-07-044, filed 3/10/94, effective 4/10/94)

WAC 456-09-325 Date of filing—((Facsimile)) Filing via facsimile machine transmission. (1) ((Except as provided in subsection (3) of this section,)) The date of filing of a notice of appeal shall be the date of actual receipt by the board at its Olympia office if the appeal is to be hand delivered. The board's date stamp placed thereon shall be prima facie evidence of the date of receipt. If the filing of the notice of appeal is by mail, the postmark will control and shall be prima facie evidence of the date of filing.

- (2) ((Except as provided in subsection (3) of this section,)) All documents may be filed with the board via facsimile machine transmission. However, filing will not be deemed complete unless the following procedures are strictly observed:
- (a) A facsimile document will only be stamped "received" by the board between the hours of 8:00 a.m. and 5:00 p.m. excluding Saturdays, Sundays, and legal holidays. Any transmission not completed before 5:00 p.m. will be stamped "received" on the following business day. The date and time indicated by the board's facsimile machine shall be prima facie evidence of the date and time of receipt of transmission.
- (b) The original document must be filed with the board within ten business days from the date of transmission.
 - (c) All transmissions are sent at the risk of the sender.
- (((3) In appeals pursuant to RCW 82.03.130(2) (appeal from board of equalization) the date of filing shall be the date of receipt by the county auditor or, in King County, the elerk of the county council if the appeal is to be hand delivered. The date stamp placed on the notice of appeal by the auditor or elerk shall be prima facie evidence of the date of receipt. If the filing of the notice of appeal is by mail, the postmark will control and shall be prima facie evidence of the date of filing.))

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-330 Acknowledgement of notice of appeal. ((Upon written request of an appellant,)) The board will acknowledge receipt of a notice of appeal ((indicating the date of filing if the appellant submits a self-addressed stamped envelope with the request)).

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

- WAC 456-09-340 Jurisdiction—Issue raised by board—Procedure. (1) Any party may, by motion, challenge the jurisdiction of the board in any appeal. The board may, upon its own motion, raise such jurisdictional issues.
- (2) When the board determines that an appeal has been untimely filed, an order of dismissal will be mailed to all parties. An exception to the order of dismissal may be filed within twenty calendar days after mailing of such order.

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The ((original and three copies of the)) exception shall be filed with the board and a copy served upon all other parties.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-350 Notice of appeal—((Answer)) Response. The respondent may file ((an answer)) a response with the board. If filed, the respondent shall file the original with the board at least ten business days prior to hearing and serve a copy thereof ((on the appellant within thirty days after the service of notice of appeal or any amendment thereto. Answers shall be verified in the same manner as the notice of appeal)) upon all other parties in accordance with the provisions of this chapter. A certificate of service shall be filed with the board pursuant to WAC 456-09-440.

AMENDATORY SECTION (Amending WSR 94-07-044, filed 3/10/94, effective 4/10/94)

WAC 456-09-365 Conversion of hearing. (1) The respondent, as a party to an appeal pursuant to RCW 84.08.130(((2))) (appeal from board of equalization) may, within twenty <u>calendar</u> days from the date of mailing of the notice of appeal, file with the clerk of the board a notice of intention that the hearing be a formal hearing pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

- (2) In appeals under RCW 82.03.190 and 82.03.130(5)((corrected as otherwise provided in this subsection and subsection (2) of this section)), the department of revenue may, within thirty calendar days of receipt of the notice of appeal, file with the board a notice of its intention that the hearing be held pursuant to the Administrative Procedure Act, chapter 34.05 RCW.
- (3) The parties may agree at any time before hearing, in writing, to convert the proceedings to either a formal or informal hearing.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-540 Subpoena—Service. Service of subpoenas shall be made by delivering a copy of the subpoena to such person and tendering on demand, where entitled to make a demand, the fees for one day's attendance and the mileage allowed by law. All costs, which include the cost of producing records, shall be paid by the party requesting issuance of the subpoena. A subpoena may be served by any suitable person at least eighteen years of age, by exhibiting and reading it to the witness, or by giving him or her a copy thereof, or by leaving such copy at his or her abode. Proof of service shall be made when service is made by a person other than an officer authorized to serve process.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-705 Advance submission of evidence—Delivery to adverse party. (1) ((Copies of all)) Documentary evidence which is to be introduced at hearing shall be submitted to the board ((in advance. The department of revenue, department of natural resources, or the assessor shall submit such evidence at least ten business days prior to

hearing. The taxpayer or other party shall submit such evidence)) at least ((five)) ten business days prior to hearing. Failure to comply may be grounds for exclusion of such evidence or dismissal in accordance with WAC 456-09-750.

- (2) Evidence of comparable sales, listed in the notice of appeal/((answer)) response, which are subsequently changed, shall conform to this section and will be excepted from the requirements of WAC 456-09-345 (Amendments to notice of appeal) ((and 456-09-350 (Notice of appeal Answer))).
- (3) All correspondence and all documents filed with the board shall indicate that copies have been mailed or delivered to the attorney or representative of record or the adverse party if not represented.
- (4) An acknowledgement of service or certificate of mailing as provided in WAC 456-09-440 shall be filed with the board together with the advance submission of documentary evidence as required in subsection (1) of this section.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-710 Hearing—Setting of time and place. (1) ((The board will generally not schedule a hearing until the filing of the answer or, in the absence thereof, thirty days after filing of the notice of appeal.

(2))) The board will set a time and place for hearing. The parties shall, upon request of the board, submit written estimates of the time that will be required to hear the matter.

(((3))) (2) Where the board deems appropriate or at a party's request, the board may set prehearing or settlement conference dates.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-725 Briefs. The original and ((four)) three copies of briefs shall be filed with the board at least ((five)) ten business days prior to hearing unless otherwise provided by the board. When briefs are filed, a copy shall also be served on the other parties. The board may permit or require the filing of additional briefs.

AMENDATORY SECTION (Amending WSR 90-11-105, filed 5/22/90, effective 6/22/90)

WAC 456-09-730 Hearing—Notice of hearing—Time—Contents. (1) Time. Notice of a hearing will be mailed to all parties and to all persons having filed written petitions to intervene not less than twenty <u>calendar</u> days before the hearing date unless a different period is required by law. The notice shall include the information specified in RCW 34.05.434 and if the hearing is to be conducted by teleconference call the notice shall so state.

(2) The notice shall state that if a limited-English speaking or hearing-impaired party or witness needs an interpreter, a qualified interpreter will be appointed and that there will be no cost to the party or witness. The notice shall also state that persons with disabilities may request reasonable accommodations to allow their participation in the hearing. The notice shall include a form for a party to indicate if an interpreter is needed and identification of the primary language, or if a participant is hearing impaired; or to describe the reasonable accommodations requested.

[73] Permanent

(3) Defects in notice may be waived if the waiver is knowing and voluntary.

AMENDATORY SECTION (Amending WSR 90-11-105, filed 5/22/90, effective 6/22/90)

WAC 456-09-930 Initial or final ((order)) decision. Every decision ((and order)), whether initial or final, shall:

- (1) Be correctly captioned as to the name of the board and name of the proceeding;
- (2) Designate all parties and representatives participating in the proceeding;
- (3) Include a concise statement of the nature and background of the proceeding;
- (4) Contain appropriate numbered findings of fact meeting the requirements in RCW 34.05.461;
- (5) Contain appropriate numbered conclusions of law, including citations of statutes and rules relied upon;
- (6) Contain an initial or final ((order)) decision disposing of all contested issues;
- (7) Contain a statement describing the available ((post-hearing)) posthearing remedies.

AMENDATORY SECTION (Amending WSR 90-11-105, filed 5/22/90, effective 6/22/90)

WAC 456-09-935 Petition for review and replies.
(1) Any party to an adjudicative proceeding may make a petition for review of an initial ((order)) decision.

- (2) The petition for review shall be made, by mail or otherwise, with the board within twenty <u>calendar</u> days of the date of mailing of the initial ((order)) <u>decision</u> unless the ((order)) <u>decision</u> specifies otherwise. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is made.
- (3) The petition for review shall specify the portions of the initial ((order)) decision to which exception is taken and shall refer to the evidence of record which is relied upon to support the petition. The original and four copies of the petition shall be provided to the board.
- (4) Any party may make a reply to a petition for review. The reply shall be made, by mail or otherwise, with the board within ten <u>business</u> days of the date of service of the petition. Copies of the reply shall be served upon all other parties or their representatives at the time the reply is made. The original and four copies of the reply shall be provided to the board.
- (5) The board may require the parties to submit written briefs or statements of position or to appear and present oral argument regarding the matters on which exceptions were taken, within such time and on such terms as may be prescribed. The board may schedule a hearing to take additional evidence if it deems it necessary or helpful to reach a proper result.

AMENDATORY SECTION (Amending WSR 90-11-105, filed 5/22/90, effective 6/22/90)

WAC 456-09-945 Final decision following initial decision—Record. (1) After the filing of a petition for review and any replies, the record before the board shall be considered by at least two members of the board.

(2) The record before the board shall consist of the decision ((or order)) from which appeal was taken, the notice of appeal, responsive pleadings, if any, and any other notices, written applications, motions, stipulations, requests, prehearing orders, and the initial decision ((or order)) of the presiding officer. The record shall also include all depositions admitted at the hearing, the transcript of testimony, if any, and other proceedings at the hearing, together with all exhibits.

AMENDATORY SECTION (Amending WSR 90-11-105, filed 5/22/90, effective 6/22/90)

WAC 456-09-955 Petition for reconsideration. After a final decision has been issued, any party may file a petition for reconsideration with the board as provided by RCW 34.05.470. Such petition must be made, by mail or otherwise, within ten business days from the mailing of the final decision, and shall state the specific grounds upon which relief is requested. The ((original and four copies of the)) petition for reconsideration shall be filed with the board and served upon all parties and representatives of record. The board may require that a response be made and served in the same manner. ((The filing of a petition for reconsideration shall suspend the final decision until action by the board.)) The board may deny the petition, modify its decision, or reopen the hearing. The petition shall be deemed denied if, within twenty calendar days from the date the petition is received by the board, the board does not either: (1) Dispose of the petition; or (2) serve the parties with a written notice specifying the date by which it will act on the petition. The disposition shall be in the form of a ((written order)) decision denying the petition, granting the petition and dissolving or modifying the final ((order)) decision, or granting the petition and setting the matter for further hearing.

WSR 95-05-034 PERMANENT RULES INSURANCE COMMISSIONER'S OFFICE

[Filed February 8, 1995, 2:59 p.m.]

Date of Adoption: February 8, 1995.

Purpose: Regulation of joint underwriting association to insure midwives and birthing centers.

Citation of Existing Rules Affected by this Order: Amending WAC 284-87-030.

Statutory Authority for Adoption: RCW 48.02.060, 48.87.100.

Pursuant to notice filed as WSR 95-02-076 on January 4, 1995.

Effective Date of Rule: Thirty-one days after filing.
February 8, 1995
Deborah Senn
Insurance Commissioner

AMENDATORY SECTION (Amending Order R 93-18, filed 12/30/93, effective 1/30/94)

WAC 284-87-030 The association. (1) A nonprofit joint underwriting association for midwifery and birthing centers malpractice insurance is hereby established. Mem-

bership in the association shall be mandatory for all insurers that on or after July 25, 1993, possess a certificate of authority to write medical malpractice, general casualty insurance, or both, within this state. Every such insurer shall be and remain a member of the association and fulfill all its membership obligations as a condition of its authority to continue to transact property and casualty insurance business in this state. An insurer ceases to be a member insurer upon surrender of its certificate of authority to transact insurance in this state.

(2) The association shall remain inactive, except for the actions of the board enumerated in WAC ((284-78-050 through 284-78-080)) 284-87-050 through 284-87-080, until it is activated by the commissioner as provided in WAC ((284-78-040)) 284-87-040.

WSR 95-05-044 PERMANENT RULES DEPARTMENT OF GENERAL ADMINISTRATION

[Filed February 10, 1995, 11:45 a.m., effective September 1, 1995]

Date of Adoption: January 19, 1995.

Purpose: The purpose of these rules is to implement the legislative mandate in RCW 46.08.172, as amended by ESHB 2067, to establish equitable and consistent parking rental fees for state-owned and state-leased properties. These rules cover properties within Thurston County, outside the state capitol grounds.

Statutory Authority for Adoption: RCW 46.08.172. Pursuant to notice filed as WSR 94-16-036 on July 26, 1994.

Effective Date of Rule: September 1, 1995.

January 19, 1995 John Franklin Director

Chapter 236-15 WAC PARKING PROGRAM FOR STATE FACILITIES OFF THE STATE CAPITOL GROUNDS IN THURSTON COUNTY

NEW SECTION

WAC 236-15-010 Purpose. The purpose of these rules is to implement the legislative mandate in RCW 46.08.172 to establish equitable and consistent parking rental fees for state-owned and leased properties within Thurston County outside the state capitol grounds.

NEW SECTION

WAC 236-15-015 Definitions. As used in this chapter:

- (1) "Agency assigned uses" means parking stalls reserved exclusively for:
 - (a) Agency use at state-owned or leased facilities;
- (b) State-owned or leased motor vehicles available for temporary assignment;
- (c) State-owned or leased motor vehicles permanently assigned to individual employees (but not available for commuting purposes); and

- (d) State-owned or leased motor vehicles permanently assigned to individual employees (and available for commuting), if those employees are required to perform primary duties away from the assigned facility.
- (2) "Carpool" means a motor vehicle occupied by two to four people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. (Those under sixteen years of age are excluded because they do not eliminate a motor vehicle trip.)
- (3) "Department" means the department of general administration.
- (4) "Director" means the director of the department of general administration.
- (5) "Disabled" means any person who has made application to the department of licensing in accordance with WAC 308-96A-310, and displays a valid permit in accordance with WAC 308-96A-310 and 308-96A-315.
- (6) "Employee" means any person assigned to a state facility, including the staff of vendors, concessionaires, contractors and consultants, who are performing duties that are similar to the duties of state employees or that are in direct support of the state agency functions performed at that facility.
- (7) "Parking program" means policies and procedures designed for the specific users of state facility parking areas/lots.
- (8) "Shift worker" means any employee whose regularly scheduled work shift is totally outside his/her agency's core hours, as established by WAC 356-15-095.
- (9) "State facilities" means all state-owned and leased properties.
- (10) "Vanpool" means a motor vehicle occupied by five or more people traveling together for their commute trip that results in the reduction of a minimum of one motor vehicle trip. (Those under sixteen years of age are excluded because they do not eliminate a motor vehicle trip.)
- (11) "Visitor" means any person parking at a state facility who is not employed at that facility.
- (12) "Zoned parking" means parking areas/lots where individuals are assigned to a zone, but not to an individual stall.

NEW SECTION

WAC 236-15-050 Parking program responsibilities.

- (1) State agencies which have control over parking areas at state facilities and are charging parking rental fees as established in WAC 236-15-100, should develop a program to regulate parking in those areas. Recommended program elements include:
- (a) Written policies and procedures. A current copy should be sent to and maintained at the department of general administration, office of parking services;
 - (b) Parking registration;
- (c) Compliance with the Americans With Disabilities Act for disabled parkers;
 - (d) Provisions for carpool and vanpool parking;
 - (e) Provisions for visitor parking;
- (f) Provisions for employees who are specifically required to use their own motor vehicles as a primary condition of employment. Agency directors or their designees may elect to have the agencies pay for these

employees' parking rental fees or allow them to park in agency stalls; and

(g) Provisions for part-time, intermittent, and irregularly

scheduled employees.

- (2) State agencies are encouraged to implement zoned parking wherever practicable.
- (3) State agencies are encouraged to have a permitting and enforcement program.
- (a) If an agency chooses to have a permitting program, it is encouraged to use the department's permits to provide consistency, and to take advantage of lower bulk prices. Agencies are also encouraged to require permits to be located on motor vehicles in a manner consistent with similar department capitol grounds policies.
- (b) Where enforcement programs are implemented, it is recommended that they include:
- (i) Noncompliance fees consistent with fees in effect on the capitol grounds;

(ii) Provisions for impoundment;

(iii) Provisions for suspension and/or revocation of parking privileges; and

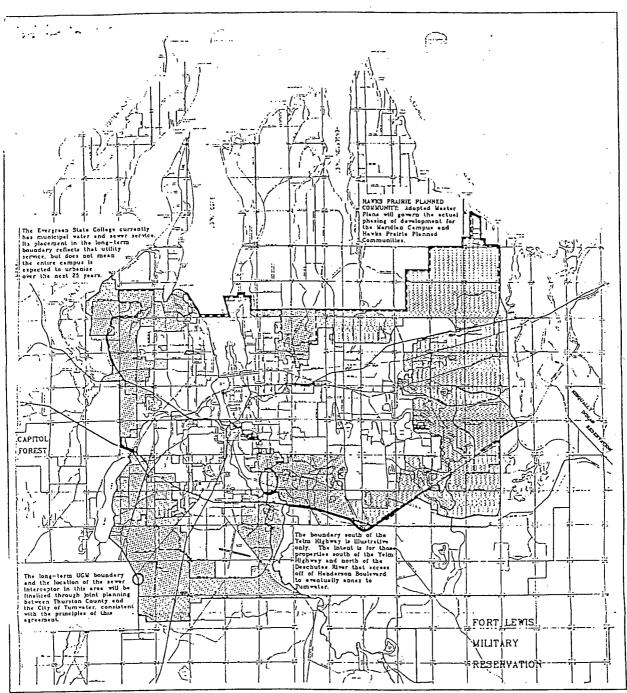
(iv) Provisions for hearing rights related to fees, impoundment, and suspension and/or revocation of parking privileges.

NEW SECTION

WAC 236-15-100 Parking rental fees for state facilities off the state capitol grounds in Thurston County. (1) For the purpose of setting parking rental fees, Thurston County is divided into two zones. They are as follows:

Zone 1 - defined by the long-term Olympia, Lacey, Tumwater Urban Growth Management Boundary (UGMB), and

Zone 2 - the remainder of Thurston County not within the long-term Olympia, Lacey, Tumwater Urban Growth Management Boundary.



URBAN GROWTH MANAGEMENT

- CITY LIMITS
- PROPOSED UGM BOUNDARY
- SHORT TERM
- LONG TERM
- LACEY/COUNTY JOINT PLANNING AREA
- OLYMPIA/COUNTY JOINT PLANNING AREA
- TUMWATER/COUNTY JOINT PLANNING AREA

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(2) The parking rental fees for state facilities off the state capitol grounds in Thurston County Zone 1 shall be as follows:

	PARKING USES	PARKING RENTAL FEES
(a)	Agency assigned uses	no charge
(b)	Employee uses:	-
(i)	General "zoned"	\$15 per month
(ii)	Leased/reserved areas and/or	•
	stalls	\$20 per month
(iii)	Disabled employees when general	•
	employee parking is zoned	\$15 per month
(iv)	Disabled employees when general	•
	employee parking is leased/	
	reserved	\$20 per month
(v)	Shift workers (noncore hours)	no charge
(vi)	Part-time (less than twenty hours per	J
	week), intermittent, or	agency discretion
	irregularly scheduled employees	(not to exceed
	• •	\$15/month)
(c)	Motorcycle, motor-driven cycle/	
	moped uses	\$10 per month
(d)	Visitor uses	•
(i)	Metered parking	\$.50 per hour
(ii)	Unmetered parking	no charge
(iii)	Disabled visitors	no charge
(e)	Carpool	agency discretion (not
		to exceed
		\$15/month)
(f)	Vanpool	no charge

- (g) In addition to the permits issued under (a), (b), (c), (d), (e) and (f) of this subsection, the department may establish rates for other uses as required. The department will establish a fee schedule for such uses, and will keep such fee schedule on file at the Department of General Administration, Office of Parking Services, Plaza Garage, D Level, Post Office Box 41025, Olympia, Washington 98504-1025. Such fee schedule will be available to any person upon request.
- (3) The parking rental fees for state facilities off the state capitol grounds in Thurston County Zone 2 shall be as follows:

PARKING RENTAL PARKING USES

All Uses

PARKING RENTAL FEES

no charge

- (4) If there is a contract or lease provision which sets fees to be charged to parkers at a state facility which is in effect on the date of adoption of this regulation, the schedule of fees set forth in subsection (1) of this section shall not apply to the parking covered by that contract or lease. This exemption shall be in effect only for the duration of the current term of the existing contract or lease.
- (5) The director has set the parking rental fees for the following categories of state facilities at "no charge":
 - (a) Roads and highways;
 - (b) Rest areas;
 - (c) Weigh stations on highways and roadways;
- (d) Institutions of higher education (which are covered by Title 28B RCW);
 - (e) Park and ride facilities;
- (f) Parking provided at state-owned/leased living quarters assigned to state employees.

- (6) The director may, upon written request by an agency director, authorize a different schedule of fees for individual state facilities than provided in subsection (2) of this section. In determining whether to authorize a different schedule of fees, the director shall consider one or more of the following factors:
- (a) Transportation demand management or commute trip reduction requirements and availability;
 - (b) Unusual market conditions;
 - (c) Remoteness of location;
 - (d) Other factors.

NEW SECTION

WAC 236-15-200 Delegation. With the exception of the capitol campus, the director, in accordance with RCW 46.08.172, has determined it is cost-effective, and is delegating the responsibility for the collection of parking rental fees to other agencies of state government.

NEW SECTION

WAC 236-15-300 Monthly parking fee payments. Nonstate personnel will be billed for parking by the agency that controls the assigned parking lot. State employee parking rental fees shall be paid by payroll deduction.

NEW SECTION

WAC 236-15-700 Liability of state. The state assumes no liability for motor vehicles parked on state-owned or leased property, or in state-owned or leased parking facilities. Only a license, not a bailment, is created by the rental of parking spaces or issuance of a permit to park on state property.

NEW SECTION

WAC 236-15-800 Director review. The director shall review chapter 236-15 WAC periodically to determine if changed circumstances warrant revisions. Such review shall occur no later than three years from the date of initial promulgation or from subsequent review.

NEW SECTION

WAC 236-15-900 Severability. If any provision of this chapter is held invalid, the remainder of the chapter is not affected.

WSR 95-05-045 PERMANENT RULES DEPARTMENT OF LICENSING

[Filed February 10, 1995, 2:00 p.m.]

Date of Adoption: February 3, 1995.

Purpose: (1) Sets forth requirements for eligibility and use of temporary authorization permits; and (2) sets forth form and method of payment of license fees.

Citation of Existing Rules Affected by this Order: Amending WAC 308-91-080 Temporary authorization permit Director

and 308-91-150 Form of payment required—Dishonored checks.

Statutory Authority for Adoption: RCW 46.87.010(2), 46.87.080(7).

Pursuant to notice filed as WSR 94-22-081 on November 2, 1994.

Effective Date of Rule: Thirty-one days after filing.

February 8, 1995

Kathy Baros Friedt

AMENDATORY SECTION (Amending WSR 90-16-072, filed 7/30/90, effective 9/1/90)

WAC 308-91-080 Temporary authorization permit. Washington temporary authorization permits (TAPs) are available to carriers ((who have been)) prorated with the state of Washington ((for a minimum of one year;)) and who have not had their TAP or prorate privileges suspended, revoked or canceled in this state within the past three years((; and who have a history of making prompt payment of fees when due and final, usually within thirty days of the billing date)). These permits may be used by qualified carriers to allow immediate operation of vehicles ((being added to)) in their fleets pending issuance of proportional registration credentials.

Carriers desiring ((the privilege of obtaining and using)) to utilize TAPs must make application in writing to the prorate section of the department ((and indicate their anticipated annual requirements for these permits)). Upon approval of the application, the carrier may place an order for ((ten or more)) TAPs ((utilizing order forms to be provided)) on a form prescribed by the department; payment as prescribed in RCW 46.87.080 must accompany the application. TAPs are valid for a period of two months from the date of ((issue by the carrier)) issuance. The following procedures govern the use and issuance of these permits:

- (1) TAPs are serially numbered and must be issued ((by the earrier)) in sequential order. Carriers are accountable and liable for all TAPs purchased from the department. ((These permits)) TAPs are not transferable ((and may be utilized only by the earrier to whom they were issued for use with vehicles being added to their fleet or fleets)). ((Carriers must return)) All unused TAPs ((at such time as they cancel or fail to renew their Washington)) must be returned to the department upon cancellation or nonrenewal of the carrier's prorate account; or at such time as the department withdraws, suspends, revokes or cancels their TAP and/or prorate privileges in this state. No refunds or credits will be given for TAPs that are returned to the department.
- (2) TAPs may ((only)) be used ((for vehicles being added to a carrier's established fleet. They cannot be used to increase gross weight on a vehicle or for a vehicle that has already been listed on a proportional registration application Schedule "A & C" or renewal application which has been submitted to the prorate section of the department. Only one permit may be issued for any one vehicle)) to:
 - (a) Add vehicles to established fleets;
- (b) Increase gross weight of vehicles in established fleets;
 - (c) Add jurisdictions to established fleets;

- (d) Transfer vehicles from one established fleet to another;
 - (e) Establish a new fleet.
- (3) TAPs must be ((filled out with a typewriter)) completed in a legible manner. All applicable blanks must be completed with requested data. If an error is made in the issue date, expiration date, gross weight, license plate number, serial/identification number blanks or in the jurisdiction/weight section, void the permit by printing the word "VOID" in large letters across the face of the permit. Return the vehicle copy and prorate copy to the department within one week ((or with your next-proration application supplement, whichever is sooner)). If TAP is to be used for a vehicle ((being added to a fleet)) registered under the provisions of the IRP, the jurisdiction postal code abbreviation, along with the declared operating weight for such jurisdiction, must be indicated in the space provided for each jurisdiction in which the fleet is registered. Jurisdiction/ weight listings must begin in the upper left space provided and continue across the form to the right. Each line must be completed before starting the next line immediately below if needed. After the last entry, spaces to the right must be filled with asterisks as must be the entire line immediately below the last completed line in this section of the form. The purpose of the asterisks is to preclude entry of additional jurisdictions/weights. Retain the applicant's file copy for four years pending possible audit of account under the provisions of RCW 46.87.310. No refund or credit will be given for voided permits; and, they must be accounted for in the department and carrier's records.
- (4) The original copy of the TAP is to be carried in the vehicle to which it was issued; however, if the vehicle is a trailing unit, it may be carried in the towing vehicle. The second copy of the permit is to be retained in the carrier's files for a period of four years pending possible audit under the provisions of RCW 46.87.310. The third copy is to be attached to a Washington proration application supplement ((which is used to add the vehicle to the carrier's fleet)).
- (5) When TAPs have been issued, a proration registration application supplement Schedule "A & C((7))" listing such vehicles ((as additions to the fleet,)) must be submitted to the prorate section of the department, along with the third copy of the TAP attached, within one week of the issue date of such TAPs. To facilitate compliance with this requirement, proration registration application supplement Schedule "A & C" and TAPs should be issued from the same location. ((Failure to submit a proration application for vehicles to which TAPs have been issued, within one week, shall be eause for suspension and cancellation of TAP and/or proportional registration privileges in the state of Washington.))
- (6) ((Other causes)) Grounds for suspension and cancellation of TAP ((and/or proportional registration privileges)) are:
- (a) Failure to comply with ((these rules and procedures; σ
- (b) Failure to complete TAPs in their entirety prior to use; or
- (e) Failure to comply with Washington prorate instructions, rules or laws)) chapter 46.87 RCW and chapter 308-91 WAC; or

(((d))) (b) Failure to make timely payment of registration fees, taxes or audit assessments when due and final (((usually within thirty days); or

(e) Failure to maintain accountability of TAPs)).

AMENDATORY SECTION (Amending WSR 94-13-012, filed 6/2/94, effective 7/3/94)

WAC 308-91-150 Form of payment required—Dishonored checks. (1) ((For accounts registered less than five years, original or renewal application)) Assessments for proportional registration fees/taxes due the state of Washington shall be paid in United States funds ((via eash, eashier's check, certified check, traveler's check, or money order. All other assessments may be paid by company or personal checks)) unless guaranteed payment is specifically required by the department.

- (2) Any registrant who tenders a check that is subsequently dishonored by the bank or other financial institution upon whom it was drawn, may be required to tender all subsequent payments in person by cash or by cashier's check, certified check, traveler's check, or money order.
- (3) A handling fee in the amount of fifteen dollars shall be assessed the drawer for each check dishonored by the bank or other financial institution upon whom it was drawn and interest on the amount of each check shall accrue from the date of dishonor at the rate of twelve percent per annum. The interest and handling fee shall be deposited into the highway safety fund.

WSR 95-05-048 PERMANENT RULES EMPLOYMENT SECURITY DEPARTMENT

[Filed February 10, 1995, 4:00 p.m.]

Date of Adoption: February 10, 1995.

Purpose: Repeal of rules governing family independence program (FIP) because program no longer in effect and statutory authority has expired.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-42-005, 192-42-010, 192-42-021, 192-42-030, 192-42-056, 192-42-057, 192-42-058, and 192-42-081.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Pursuant to notice filed as WSR 95-01-113 on December 21, 1994.

Effective Date of Rule: Thirty-one days after filing. February 10, 1995

Wendy Holden Deputy Commissioner

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 192-42-005 Duration of program. Definitions.

WAC 192-42-021 Orientation.

WAC 192-42-030 Employability plan.

WAC 192-42-056

WAC 192-42-057

WAC 192-42-058

WAC 192-42-081

Criteria for approval of employment and training activities and funding.

Notice of decisions.

Job search allowance.

Dispute resolution process.

WSR 95-05-072 PERMANENT RULES DEPARTMENT OF LABOR AND INDUSTRIES

[Filed February 15, 1995, 8:55 a.m.]

Date of Adoption: February 15, 1995.

Purpose: To change the conversion factor used to calculate reimbursement levels for services payable through the Washington RBRVS fee schedule and to increase the physical and occupational therapy daily maximum rates.

Citation of Existing Rules Affected by this Order: Amending WAC 296-20-135, 296-23-220, 296-23-230, and 296-23A-400.

Statutory Authority for Adoption: RCW 51.04.020(4) and 51.04.030.

Pursuant to notice filed as WSR 94-23-142 on November 23, 1994.

Effective Date of Rule: Thirty-one days after filing.
February 15, 1995
Mark O. Brown
Director

AMENDATORY SECTION (Amending WSR 94-02-045 and 94-03-008, filed 12/30/93 and 1/6/94, effective 3/1/94)

WAC 296-20-135 Conversion factors. (((1) The following conversion factors are the base fees for determining the maximum amount paid by the department for procedures with specified unit values. Except for anesthesia services, during the transition period for services rendered on or after September 1, 1993, reimbursement levels cannot be determined by multiplying the conversion factor and a relative value unit. However, the conversion factors upon which the transition fees for nonanesthesia services are based are listed below (for informational purposes only). Refer to WAC 296-20-132 for additional information.

(2) The conversion factor or base fee for medicine, surgery, radiology, pathology, laboratory, chiropractic, physical therapy, occupational therapy, naturopathic physician, nurse practitioners procedure codes, and other providers, as determined by department policy is:

\$34.51 for services rendered from September 1, 1993, to February 28, 1994.

\$36.58 for services rendered after March 1, 1994.

- (3) The conversion factor or base fee for anesthesia is \$20.74.))
- (1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.
- (2) Washington RBRVS services rendered on or after May 1, 1995, have a conversion factor of \$42.63. The fee schedules list the reimbursement levels for these services.

(3) Anesthesia services that are paid with base and time units have a conversion factor of \$20.74. The base units are listed in the fee schedules.

(4) Services that do not use a conversion factor to establish reimbursement levels have dollar values, not relative values listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 94-02-045, filed 12/30/93, effective 3/1/94)

WAC 296-23-220 Physical therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist. Doctors rendering physical therapy should refer to WAC 296-21-095.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or ((\$63.65,)) \$72.04 whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following twelve treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 94-02-045, filed 12/30/93, effective 3/1/94)

WAC 296-23-230 Occupational therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational therapy treatment must be ordered by the worker's attending doctor.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or ((\$63.65)) \$72.04 whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work

hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

AMENDATORY SECTION (Amending WSR 94-02-045, filed 12/30/93, effective 3/1/94)

WAC 296-23A-400 Hospital outpatient physical therapy rules. Hospitals should refer to chapter 296-20 WAC for general information and rules, and to department billing instructions pertaining to the care of workers and the billing of services.

The procedure codes and maximum allowable fees for physical therapy services are listed in the fee schedules. Also refer to WAC 296-20-132 and 296-20-135 regarding use of the conversion factor.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist.

The department or self-insurer will review the quality and medical necessity of physical therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or a flat dollar rate of ((\$63.65)) \$72.04, whichever is less. These limits will not apply to physical therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-075 and 296-23A-100 for further information.

Biofeedback treatment may be rendered on physician's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC and department policy for rules pertaining to the authorized conditions and the reporting requirements. The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Permanent [82]

WSR 95-05-007 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 95-14—Filed February 1, 1995, 4:55 p.m.]

Date of Adoption: February 1, 1995. Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000M; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Coastal lingcod dressed weight conversion factor has been agreed upon by the Pacific Fisheries Management Council. The limits set out in this order have been agreed upon by PFMC and permanent rule making is underway.

Effective Date of Rule: Immediately.

February 1, 1995
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-44-05000N Coastal bottomfish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

(1) The following definitions apply to this section:

- (a) Cumulative limit A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, am operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.
- (b) Daily trip limit The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.
- (c) Groundfish limited entry fishery Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

- (d) Groundfish open access fishery Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.
- (e) Vessel trip A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.
- (f) Vessel trip limit The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.
- (g) Dressed length The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.
- (2) Groundfish limited entry fishery limits. The following limits apply to the groundfish limited entry fishery in Coastal Cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Total length of 22 inches is equivalent to dressed length of 18 inches (from the tip of the tail to the anterior insertion of the first dorsal fin). To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed bottomfish species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29:
- (a) Pacific ocean perch Cumulative limit of 6,000 pounds. No minimum size.
- (b) Widow rockfish Cumulative limit of 30,000 pounds. No minimum size.
- (c) **Shortbelly rockfish** No minimum size. No maximum poundage.
- (d) Black rockfish The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.
- (e) Sebastes complex All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (Sebastolobus spp.)
- (i) North of Cape Lookout and south of Cape Lookout if no declaration has been made Cumulative limit of 35,000 pounds, of which no more than 14,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish. No minimum size on any species in this category.
- (ii) South of Cape Lookout Cumulative limit of 50,000 pounds of which no more than 30,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish, provided the licensee has made a declaration as follows:
- (A) The declaration must be made at least 12 hours prior to departing from port by telephoning the Department Montesano Office at (206) 249-4628, between the hours of 8:00 a.m. and 4:30 p.m, Monday through Friday. The declarer will receive a declaration number from the department.
- (B) The declaration must include: vessel name; federal limited entry permit number; operator's name, phone number

and address; anticipated date and port of departure; anticipated date and port of return.

- (C) Phone declarations must be followed by a written declaration, signed by the operator and mailed or delivered to the Montesano Office at 48 Devonshire Road, Montesano, WA 98563, prior to the day of departure. Forms are available at that office or from coastal processors.
- (D) No fishing north of Cape Lookout is allowed after declaring for fishing south of Cape Lookout until the vessel has landed at a Washington or Oregon port and notified the Montesano Office during business hours.
- (iii) There is a maximum cumulative limit for landings from both north and south of Cape Lookout of 50,000 pounds of which no more than 30,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish.
- (iv) Wholesale fish dealers purchasing more than 30,000 pounds of sabestes complex or 14,000 pounds of yellowtail rockfish must enter the declaration number on the fish receiving ticket.
- (f) DTS Complex (Sablefish, Dover sole and thornyhead rockfish) Cumulative monthly limit of 35,000 pounds of which no more than 20,000 pounds may be thornyhead rockfish. Of the thornyhead, no more than 4,000 pounds may be shortspine thornyheads. Sablefish:
- (i) **Trawl vessels** Cumulative limit of 6,000 pounds. Vessel trip limit of 1,000 pounds or 25% of the DTS complex, whichever is greater (sablefish allowance = .33 times the combined weight of Dover sole and thornyhead rockfish. In the trip limit, no more than 500 pounds may be sablefish less than 22 inches total length. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply dressed weight by 1.6.
- (ii) **Non-trawl vessels -** Daily trip limit of 300 pounds (round weight). No minimum size.
- (h) **Pacific Whiting -** Vessel trip limit of 10,000 pounds through April 14, 1995. No minimum size. No vessel trip limit beginning 12:01 a.m. April 15, 1995. No minimum size.
- (i) Lingcod Cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5.
- (3) Groundfish open access fishery limits. The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29. Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit:
- (a) Sablefish Daily trip limit of 300 pounds (round weight). No minimum size.
- (b) **Rockfish** Vessel trip limit of 10,000 pounds. Cumulative limit of 35,000 pounds.
- (c) Lingcod Cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18

- inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5.
- (4) It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.
- (5) The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000M

Coastal bottomfish catch limits (94-179)

WSR 95-05-021 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 95-15—Filed February 7, 1995, 2:22 p.m.]

Date of Adoption: February 6, 1995.

Purpose: Commercial groundfish regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000N (95-14); and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Coastal lingcod dressed weight conversion factor has been agreed upon by the Pacific Fisheries Management Council. The limits set out in this order have been agreed upon by the PFMC and permanent rule making is underway. This rule also corrects a word processing error.

Effective Date of Rule: Immediately.

February 6, 1995
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-44-05000P Coastal bottomfish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

- (1) The following definitions apply to this section:
- (a) Cumulative limit A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, am operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.
- (b) Daily trip limit The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.
- (c) Groundfish limited entry fishery Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.
- (d) Groundfish open access fishery Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.
- (e) Vessel trip A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.
- (f) Vessel trip limit The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.
- (g) Dressed length The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.
- (2) Groundfish limited entry fishery limits. The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed bottomfish species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29:
- (a) Pacific ocean perch Cumulative limit of 6,000 pounds. No minimum size.
- (b) Widow rockfish Cumulative limit of 30,000 pounds. No minimum size.
- (c) Shortbelly rockfish No minimum size. No maximum poundage.
- (d) Black rockfish The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island

- (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.
- (e) Sebastes complex All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (Sebastolobus spp.)
- (i) North of Cape Lookout and south of Cape Lookout if no declaration has been made Cumulative limit of 35,000 pounds, of which no more than 14,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish. No minimum size on any species in this category.
- (ii) South of Cape Lookout Cumulative limit of 50,000 pounds of which no more than 30,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish, provided the licensee has made a declaration as follows:
- (A) The declaration must be made at least 12 hours prior to departing from port by telephoning the Department Montesano Office at (360) 249-4628, between the hours of 8:00 a.m. and 4:30 p.m, Monday through Friday. The declarer will receive a declaration number from the department.
- (B) The declaration must include: vessel name; federal limited entry permit number; operator's name, phone number and address; anticipated date and port of departure; anticipated date and port of return.
- (C) Phone declarations must be followed by a written declaration, signed by the operator and mailed or delivered to the Montesano Office at 48 Devonshire Road, Montesano, WA 98563, prior to the day of departure. Forms are available at that office or from coastal processors.
- (D) No fishing north of Cape Lookout is allowed after declaring for fishing south of Cape Lookout until the vessel has landed at a Washington or Oregon port and notified the Montesano Office during business hours.
- (iii) There is a maximum cumulative limit for landings from both north and south of Cape Lookout of 50,000 pounds of which no more than 30,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish.
- (iv) Wholesale fish dealers purchasing more than 30,000 pounds of sabestes complex or 14,000 pounds of yellowtail rockfish must enter the declaration number on the fish receiving ticket.
- (f) DTS Complex (Sablefish, Dover sole and thornyhead rockfish) Cumulative monthly limit of 35,000 pounds of which no more than 20,000 pounds may be thornyhead rockfish. Of the thornyhead, no more than 4,000 pounds may be shortspine thornyheads.
 - (g) Sablefish -
- (i) Trawl vessels Cumulative limit of 6,000 pounds. Vessel trip limit of 1,000 pounds or 25% of the DTS complex, whichever is greater (sablefish allowance = .33 times the combined weight of Dover sole and thornyhead rockfish. In the trip limit, no more than 500 pounds may be sablefish less than 22 inches total length. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply dressed weight by 1.6.

- (ii) **Non-trawl vessels** Daily trip limit of 300 pounds (round weight). No minimum size.
- (h) Pacific Whiting Vessel trip limit of 10,000 pounds through April 14, 1995. No minimum size. No vessel trip limit beginning 12:01 a.m. April 15, 1995. No minimum size
- (i) Lingcod Cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5.
- (3) Groundfish open access fishery limits. The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29. Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit:
- (a) Sablefish Daily trip limit of 300 pounds (round weight). No minimum size.
- (b) **Rockfish** Vessel trip limit of 10,000 pounds. Cumulative limit of 35,000 pounds.
- (c) Lingcod Cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5.
- (4) It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.
- (5) The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000N Coastal bottomfish catch limits (95-14)

WSR 95-05-047 EMERGENCY RULES UTILITIES AND TRANSPORTATION COMMISSION

[Order R-427, Docket No. UG-950061—Filed February 10, 1995, 2:36 p.m.]

In the matter of amending WAC 480-93-005 and 480-93-010.

This is an emergency rule-making proceeding that is designed to amend and adopt rules to become effective immediately upon filing.

The Washington Utilities and Transportation Commission is conducting this rule making pursuant to RCW 80.01.040 and 34.05.350. This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW, the State Environmental Policy Act (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The facts requiring emergency action are as follows:

The commission has been certified to participate in the federal natural gas pipeline safety program under the Natural Gas Pipeline Safety Act, 49 U.S.C. §60101ff. Certification requires that the commission gas safety regulations remain consistent with federal pipeline safety rules. Amendments to the federal rules have been made, and new provisions added, since the commission last adopted the federal rules by reference. This rule making is needed, therefore, to bring the commission's rules into consistency with federal rules. In addition to achieving compliance with federal certification requirements, the action will ease burdens on regulated entities because the state and federal requirements will be more consistent.

The commission is authorized to promulgate these rules in RCW 80.01.040 and 80.28.210. Emergency rules are authorized under RCW 34.05.350(b) for rule changes required by federal law, as these changes are.

The commission has filed a preproposal notice of its intention to promulgate permanent rules on the subject addressed by these emergency rules.

The Washington Utilities and Transportation Commission finds that an emergency exists. It finds that federal law requires immediate amendment of existing commission rules. It finds that immediate amendment of existing gas pipeline safety rules is necessary for the preservation of the public health, safety, or general welfare, and that observing the statutory requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

These amendments to existing rules affect no economic values and have no adverse environmental effect, in that they merely implement changes required by federal law to maintain certification and bring state requirements into consistency with federal requirements.

In reviewing the entire record, the commission determines that it should amend WAC 480-93-005 and 480-93-010, to read as set forth in Appendix A, shown below and included in it by this reference.

ORDER

THE COMMISSION ORDERS That WAC 480-93-005 and 480-93-010, as set forth in Appendix A shown below,

are amended, as emergency rules of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and 34.05.380(2), to be effective upon filing in the office of the code reviser.

THE COMMISSION FURTHER ORDERS That this order and the rules set forth in Appendix A, shown below, after being first recorded in the order register of the Washington Utilities and Transportation Commission, be forwarded to the code reviser for filing pursuant to chapters 34.05 RCW and 1-21 WAC.

DATED at Olympia, Washington, this 9th day of February 1995.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard Hemstad, Commissioner
William R. Gillis, Commissioner

AMENDATORY SECTION (Amending Order R-375, Docket No. UG-911261, filed 8/5/92, effective 9/5/92)

WAC 480-93-005 Definitions. (1) Bar hole - a hole that has been made in the soil or paving for the specific purpose of testing the subsurface atmosphere with a combustible gas indicator.

- (2) **Building** any structure which is normally or occasionally entered by humans for business, residential, or other purposes and within which gas could accumulate.
- (3) Combustible gas indicator (CGI) a device capable of detecting and measuring gas concentrations of the gas being transported.
- (4) Confined space any subsurface structure of sufficient size which could accommodate a person and within which gas could accumulate, e.g., vaults, catch basins, manholes, etc.
- (5) Follow-up inspection an inspection performed after a repair has been completed in order to determine the effectiveness of the repair.
- (6) Gas natural gas, flammable gas, or gas which is toxic or corrosive.
- (7) Gas associated substructures those devices or facilities utilized by a gas company which are not intended for storing, transporting, or distributing gas, such as valve boxes, vaults, test boxes, and vented casing pipe.
 - (8) Gas company the term "gas company" shall mean:
- (a) Every gas company otherwise subject to the jurisdiction of the commission under Title 80 RCW as to rates and service; and
- (b) Every person, corporation, city, or town which owns or operates a pipeline transporting gas in this state, even though such person, corporation, city, or town is not a public service company under chapter 80.28 RCW, and even though such person, corporation, city, or town does not deliver, sell, or furnish gas to any person or corporation within this state.
- (9) Gathering line a gas pipeline which transports gas from the outlet of a well and any associated compressor to the connection with a second gathering line or with a transmission line.
- (10) **Indication** a response indicated by a gas detection instrument that has not been verified as a reading.
- (11) L.E.L. the lower explosive limit of the gas being transported.

- (12) Main a gas pipeline, not a gathering or transmission line:
- (a) Which serves as a common source of gas for more than one service line;
 - (b) Which crosses a public right of way; or
- (c) Which crosses property not owned by the customer or the gas company.
- (13) Maximum operating pressure a maximum pressure selected by a gas company for operation of a pipeline or segment of a pipeline, which is equal to or less than the maximum allowable operating pressure derived pursuant to 49 CFR, Part 192.
- (14) **Prompt action** shall consist of dispatching qualified personnel without undue delay for the purpose of evaluating and where necessary abating an existing or probable hazard.
- (15) **Reading** a repeatable deviation on a combustible gas indicator or equivalent instrument expressed in percent L.E.L. or gas-air ratio. Where the reading is in an unvented, confined space, consideration shall be given to the rate of dissipation when the space is ventilated and the rate of accumulation when the space is resealed.
- (16) Service line a gas pipeline, not a main, gathering or transmission line, which provides service to one building. Service lines shall include gas pipelines extended from a main to provide service to one building, which traverse a public right of way or an easement immediately adjacent to a public right of way or another easement.
- (17) Transmission line a gas pipeline which connects to an existing transmission line without pressure regulation to lower the pressure; which is downstream of the connection of two or more gathering lines; and as defined in 49 CFR, Part 192, section 192.3.
- (18) **Tunnel** a subsurface passageway large enough for a person to enter and within which gas could accumulate.
- (19) Other terms which correspond to those used in 49 CFR, Parts 191, 192 and 199 (Minimum Federal Safety Standards for Gas Pipelines) shall be construed as used therein.

AMENDATORY SECTION (Amending Order R-396, Docket No. UG-930243, filed 9/1/93, effective 10/2/93)

WAC 480-93-010 Compliance with federal standards. Gas gathering, storage, distribution, and transmission facilities of all gas operators in this state shall be designed, constructed, maintained, and operated in compliance with the provisions of 49 CFR, Parts 191, 192 and 199 in effect on (((the date this rule is adopted))) February 10, 1995, except that any specific provisions in this chapter control in the event of inconsistency between this chapter and the referenced federal rules. 49 CFR, Parts 191, 192 and 199, are available for public inspection in the commission branch of the Washington state library, located with the headquarters office of the commission. Copies are available from the Government Printing Office Bookstore, Seattle, Washington.

WSR 95-05-049 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 95-13—Filed February 10, 1995, 4:43 p.m., effective February 16, 1995]

Date of Adoption: February 9, 1995.
Purpose: Recreational foodfish regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-285, 220-57-160, 220-57-175, 220-57-310, and 220-57-319.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These reduced seasons and bag limits are necessary to protect depressed stocks of spring salmon.

Effective Date of Rule: February 16, 1995.

February 9, 1995 Robert Turner Director

NEW SECTION

WAC 220-56-28500D Shad - Areas and seasons Notwithstanding the provisions of WAC 220-56-285 effective February 16, 1995 through May 16, 1995 it is unlawful to take, fish for or possess shad in the Columbia river downstream from the Bonneville dam.

NEW SECTION

WAC 220-57-16000Z Columbia River-Salmon seasons and areas Notwithstanding the provisions of WAC 220-57-160(7) effective February 16, 1995 until further notice it is unlawful to take, fish for or possess salmon in the Columbia river from the Interstate 5 bridge downstream to the Megler-Astoria bridge.

NEW SECTION

WAC 220-57-17500B Cowlitz River-Salmon seasons and areas Notwithstanding the provisions of WAC 220-57-175 effective March 1, 1995 through May 31, 1995 it is unlawful to take, fish for or possess salmon in the Cowlitz river downstream from the Barrier dam at Salkum.

NEW SECTION

WAC 220-57-31000N Kalama River-Salmon seasons and areas Notwithstanding the provisions of WAC 220-57-310 effective March 1, 1995 through May 31, 1995 it is unlawful to take, fish for or possess salmon in the Kalama river.

NEW SECTION

WAC 220-57-31900I Lewis River-Salmon seasons and areas Notwithstanding the provisions of WAC 220-57-319 effective April 1, 1995 through May 31, 1995 it is unlawful to take, fish for or possess salmon in that portion of the north fork of the Lewis river downstream from the Merwin dam to a line from the mouth of Johnson Creek to boundary markers on the opposite shore.

Special bag limit - Effective March 1, 1995 until further notice it is unlawful to take, fish for or possess in excess of 1 (one) salmon per day in the Lewis river and the north fork of the Lewis river downstream from Merwin dam.

WSR 95-05-050 EMERGENCY RULES SECRETARY OF STATE

[Filed February 13, 1995, 1:10 p.m.]

Date of Adoption: February 14, 1995.

Purpose: To facilitate the selection of citizen members of the Washington State Citizens Commission on Salaries for Elected Officials, in compliance with HB 1039 (chapter 3, Laws of 1995).

Citation of Existing Rules Affected by this Order: Amending WAC 434-09-020 through 434-09-090.

Statutory Authority for Adoption: RCW 43.03.305 as amended by chapter 3, Laws of 1995.

Pursuant to RCW 34.05.350 the agency for good cause-finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Chapter 3, Laws of 1995, goes into effect immediately and these rules need to be in effect to implement that chapter.

Effective Date of Rule: Immediately.

February 13, 1995
David M. Elliott
Assistant Director of Elections

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-020 Definitions. As used in these regulations:

- (1) "Public employee" includes all persons who, at the time of selection, are officers or employees of any governmental body or political subdivision including, but not limited to the agencies of the ((federal,)) state or county government or any other municipal corporation operating under federal or state law or local ordinance.
- (2) "Lobbyist" is a person required to be registered as such by the provisions of chapter 42.17 RCW.
- (3) "Immediate family" means the parents, spouse, siblings, children, or dependent relative of the official, employee, or lobbyist whether or not living in the household of the official, employee, or lobbyist.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

- WAC 434-09-030 Qualification requirements. Qualification requirements for the citizen members selected in accordance with this chapter to serve on the commission shall be as required by the state Constitution and RCW 43.03.305:
- (1) Any person selected under ((section 7 of this chapter)) WAC 434-09-070 to serve must ((have been)) be a registered voter and eligible to vote at the ((previous state general election in the even numbered year)) time of selection in the congressional district from which that person was selected;
- (2) Any person selected under ((section 9 of this chapter)) WAC 434-09-090 to serve must ((have been)) be a registered voter and eligible to vote at the time of selection:
- (3) No state official, public employee or lobbyist or immediate family member of such official, public employee or lobbyist shall be eligible to serve.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-040 Transmitting and compiling the data file of records of registered voters. No later than January 1((, 1987 and every four years thereafter)) of the year of selection, each county auditor shall submit to the secretary of state a data file of records of all registered voters eligible to vote at the previous state general election. The file shall contain the registration number, if available, name, address and congressional district for each registered voter. The secretary of state shall compile a separate list of the file for each congressional district.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-050 Conducting the selection of names by lot. No later than January ((15, 1987 and every four years thereafter)) 20 of the year of selection, the secretary of state shall arrange for the random selection of approximately an equal number of names of registered voters from each congressional district ((in substantially the same manner as prescribed in RCW 2.36.063 for jury selection)). The secretary of state may employ a properly programmed electronic data processing system or device to make the random selection of registered voters as required by this section. The secretary of state shall request a separate list of registered voters for each congressional district to be selected by ((an unrestricted)) a random sample from the lists compiled under ((section 4 of this chapter)) WAC 434-09-040.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-060 Notifying persons selected by lot. (1) No later than January ((20, 1987 and every four years thereafter)) 31 of the year of selection, the secretary of state shall notify by ((eertified)) nonforwardable 1st class mail each person selected by lot under ((section 5 of this chapter)) WAC 434-09-050. The notification shall contain a response

form and prestamped, self-addressed return envelope. The notification shall include the statutory qualifications for membership on the commission as specified in RCW 43.03.305 and describe the duties of the position under RCW 43.03.310. The notification shall request the person selected to confirm on the form whether or not they meet the statutory qualifications to serve on the commission and to indicate if they are willing to serve on the commission in the specified capacity. Each person shall be requested to return the form no later than February 10 of that year. Any selected person, by appropriate indication on the form, may decline to serve on the commission. The secretary of state shall take as conclusive indication that the person has declined to serve if the form is not received by the secretary of state on or before February 10 of that year. The notification shall include an appropriate notice of this deadline.

(2) The secretary of state shall compile a list by congressional district of each qualified person who has responded to the notification, confirmed that they meet the specified qualifications and are willing to serve on the commission as requested in <u>subsection (1) of this</u> section ((6(1) of this chapter)).

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-070 Determination of commission appointees from congressional districts. From the list prepared under ((section 6(2) of this chapter)) WAC 434-09-060(2), the secretary of state shall conduct a separate, noncomputer selection by lot of ((three)) all qualified persons responding positively to the notice in WAC 434-09-060 from each congressional district. The persons selected from each congressional district shall be listed in order of selection.

This list shall serve as the list of registered voters for the initial appointment and for filling any subsequent vacancy.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-080 Names of selected persons to governor. No later than February 15((, 1987 and every four years thereafter)) of the year of selection, the secretary of state shall forward to the governor the certified list of the names of the first registered voter selected from each congressional district under ((section 7 of this chapter)) WAC 434-09-070. In the event that one of the persons certified to the governor declines appointment, the secretary of state shall forward to the governor the name of the next registered voter from the same congressional district on the list compiled under ((section 7 of this chapter)) WAC 434-09-070.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-090 Vacancy on the commission. (Unless voter registration information has been provided to the secretary of state under RCW 29.04.150 within the thirty days prior to the vacancy, each county auditor shall, no later than seven days after a vacancy in a position on the commis-

[7] Emergency

sion as selected under section 7 of this chapter, submit to the secretary of state a data file of records of registered voters eligible to vote at the time of the vacancy.)) Whenever a vacancy exists in any of the congressional districts, the governor shall notify the secretary of state of the vacancy. The secretary of state shall forward to the governor for appointment the next name on the list created in WAC 434-09-070 for that congressional district. This procedure will be repeated until this list is exhausted.

If the list from a congressional district becomes depleted, the secretary of state shall create a new list for that congressional district using the most recent voter information obtained from the county auditors. Except for the revision of timelines under this section, the process for compiling the data file of records of registered voters by congressional district, conducting the selection by lot, notifying persons selected, determining appointees, and forwarding to the governor the certified list of the name of the registered voter selected shall be substantially the same as specified in ((the sections 3-8 of this chapter)) WAC 434-09-030 through 434-09-080.

WSR 95-05-056 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 95-16—Filed February 14, 1995, 9:10 a.m., effective February 17, 1995, 11:59 p.m.]

Date of Adoption: February 13, 1995. Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to meet interim-allocation goals resulting from federal court decisions on treaty shellfish rights. There is insufficient time to promulgate a permanent rule to provide allocation prior to the April 15, 1995, closing date.

Effective Date of Rule: February 17, 1995, 11:59 p.m.
February 13, 1995
Edward P. Manary
for Robert Turner
Director

NEW SECTION

WAC 220-52-04600Z Crab fishery — Seasons and areas. Notwithstanding the provisions of WAC 220-52-046, effective 11:59 p.m. February 17, 1995 until further notice it is unlawful to fish for or possess crab taken for commercial purposes from those waters of Puget Sound.

WSR 95-05-070 EMERGENCY RULES GAMBLING COMMISSION

[Filed February 14, 1995, 3:56 p.m.]

Date of Adoption: February 10, 1995.

Purpose: Allow card room operators to extend hours of operation to 4:00 a.m.

Citation of Existing Rules Affected by this Order: Amending WAC 230-40-400.

Statutory Authority for Adoption: RCW 9.46.070.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Amendment will allow licensees to compete with tribal casinos with respect to hours of operation.

Effective Date of Rule: Immediately.

February 14, 1995 Patricia Norman-Cole Rules Coordinator

[AMENDATORY SECTION (Amending Order 118, filed 1/22/82)]

WAC 230-40-400 Hours limited for card games. Licensees shall not allow the use of their premises for card playing between the hours of 2:00 a.m. and 6:00 a.m. *Provided*, a licensee may extend, with the consent of the Director, hours of operation up to 4:00 a.m. upon application to the Commission and so long as no objection is raised by a local law enforcement entity. In any event, a licensee must observe a four hour period of closure before beginning the next period of operation.

No card games shall be allowed in any public card room at any time the profit seeking retail business to be stimulated thereby is not open to the public for business.

At all times during the hours of operation of a Class E card room, the operator or a licensed card room employee must be on duty and in the licensed card room area.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 95-05-009 RULES COORDINATOR PUBLIC EMPLOYMENT RELATIONS COMMISSION

[Filed February 2, 1995, 1:02 p.m.]

In accordance with RCW 34.05.312, the Public Employment Relations Commission has designated the following individual as its rules coordinator:

Mark S. Downing Public Employment Relations Commission P.O. Box 40919 Olympia, WA 98504-0919

Mr. Downing replaces Kenneth J. Latsch in this position. Mr. Downing may be reached by phone at (360) 753-2955, or by FAX at (360) 586-7091.

Marvin L. Schurke Executive Director

WSR 95-05-011 PROCLAMATION OFFICE OF THE GOVERNOR

[January 26, 1995]

AMENDING PROCLAMATION OF AN EMERGENCY

The major storm systems which began on December 1, 1994, have damaged state roads extensively throughout Western Washington.

WHEREAS, landslides and flooding have severely damaged county roads in Wahkiakum County;

NOW THEREFORE, I, MIKE LOWRY, Governor of the state of Washington as a result of the aforementioned situation and under RCW 43.06 and 38.52, do hereby amend the proclamation of January 3, 1995, and further proclaim that a State of Emergency exists in Wahkiakum County and authorized execution of the Washington State Emergency Management Plan.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this twenty-sixth day of January, A.D., Nineteen Hundred Ninety-five.

Mike Lowry
Governor of Washington

ATTEST:

Donald F. Whiting
Assistant Secretary of State

WSR 95-05-015 NOTICE OF PUBLIC MEETINGS BELLINGHAM TECHNICAL COLLEGE

[Memorandum—February 6, 1995]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, February 16, 1995, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 extension 334 for information.

WSR 95-05-016 NOTICE OF PUBLIC MEETINGS SOUTH PUGET SOUND COMMUNITY COLLEGE

[Memorandum—February 2, 1995]

At their February 2, 1995, meeting, the board of trustees of Community College District 24, changed the March 2, 1995, regular board meeting to March 9, 1995, in the Boardroom of Building 25 on our campus.

WSR 95-05-017 NOTICE OF PUBLIC MEETINGS SOUTH PUGET SOUND COMMUNITY COLLEGE

[Memorandum—February 2, 1995]

At their February 2, 1995, meeting, the board of trustees of Community College District 24, scheduled a special board meeting for Tuesday, February 7, 1995, beginning at 4:00 p.m. in the Boardroom of Building 25 on our campus.

WSR 95-05-018 NOTICE OF PUBLIC MEETINGS WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

[Memorandum—February 3, 1995]

MEETING NOTICE

WASHINGTON STATE
WORKFORCE TRAINING AND EDUCATION
COORDINATING BOARD
MEETING NO. 34
FEBRUARY 23, 1995

NORTH THURSTON HIGH SCHOOL BOWER CENTER 600 N.E. SLEATER-KINNEY ROAD OLYMPIA, WASHINGTON (360) 493-2900

February 22, 1995, at 6:00 - 8:00 p.m., the Workforce Training and Education Coordinating Board members will hold a dinner meeting with members of the Interagency Committee at Genoas on the Bay, 1525 Washington Street, Olympia. No action will be taken at this meeting.

February 23, 1995, Bower Center, North Thurston High School, at 8:00 a.m. - 4:00 p.m., the Workforce Training and Education Coordinating Board (WTECB) will hold a regular business meeting on Thursday, February 23, 1995, beginning at 8:00 a.m. The meeting will be held in the Bower Center, North Thurston High School in Olympia.

Agenda items will include discussion and action on Workforce Training and Education Coordinating Board's workplan for 1995. In addition, presentations will be made on: A business and occupations tax credit proposal for work related basic skills training, the Washington performance partnership, the Workforce Training and Education Coordi-

[1] Miscellaneous

nating Board performance management project, and workforce training issues facing farmworkers.

The meeting site is barrier free. People needing special accommodations, please call Anne Townsend at least ten days in advance at (206) 753-5677 or SCAN 234-5677.

WSR 95-05-019 NOTICE OF PUBLIC MEETINGS BUILDING CODE COUNCIL

[Memorandum—January 31, 1995]

Proposed 1995 Meeting Schedule

Shown below is a list of the proposed meeting dates and locations for the State Building Code Council and Council Committee meetings.

February 9

Des Moines City Hall
Auburn Fire Department

SeaTac Marriott Hotel

March 9

9th and Columbia Building
Olympia

March 10

General Administration
Auditorium
Olympia

Olympia

April No meeting scheduled

May 11 Spokane Downtown Library

May 12 Spokane City Hall

June 8 Mercer Island City Hall

Committee meetings only, no council meeting

July 6, 7 Kent Memorial Park

August No meeting scheduled

September 7, 8 Kennewick City Hall
October 12 Lighting Design Lab

Seattle

Committee meetings only, no council meeting

November 16, 17 Kent Memorial Park

December No meeting scheduled

Thursdays: 9:00 - noon

Barrier Free Committee

1:00 - 3:00

Energy Committee

3:00 - 5:00

Uniform Codes Committee

Fridays: 9 a.m. Council Meeting

WSR 95-05-027 NOTICE OF PUBLIC MEETINGS PUBLIC WORKS BOARD

[Memorandum—February 8, 1995]

NOTICE OF MEETING LOCATION CHANGE

The Public Works Board meeting scheduled for 9:30 a.m., March 7, 1995, will be held at the Wenatchee Center, in Wenatchee, Washington.

The meeting will include an inspection of the timber public works trust fund project at the Omak Mill in Okanogan County.

WSR 95-05-028 NOTICE OF PUBLIC MEETINGS PUBLIC WORKS BOARD

[Memorandum—February 7, 1995]

NOTICE OF ADJOURNMENT

The Public Works Board meeting of February 7, 1995, has been adjourned to Tuesday, February 21, 1995, SeaTac Holiday Inn, beginning at 8:30 a.m.

At that time, the board will continue discussions on use of and allocation of moneys from the public works assistance account.

WSR 95-05-041 NOTICE OF PUBLIC MEETINGS SEATTLE COMMUNITY COLLEGES

[Memorandum—February 3, 1995]

The Seattle Community College District board of trustees will hold their regular meeting at 6:00 p.m. on Tuesday, February 7, 1995, at North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

The meeting will be preceded by a work session at 5:00 p.m.

WSR 95-05-052 PROCLAMATION OFFICE OF THE GOVERNOR

[February 10, 1995]

WHEREAS, beginning January 17, 1995, a series of high tides, high winds, heavy rains, snowpack runoff, and extensive flooding occurred throughout the state of Washington: and

WHEREAS, the combination of heavy rains and snowpack runoff pushed several main stream rivers in western Washington above flood stage; and

WHEREAS, the state has experienced extensive flooding in December 1994, causing state roads to be severely damaged by landslides, flooding and subsequent freezing temperatures; and

WHEREAS, state roads are again being severely damaged by landslides, flooding, tidal action and snowpack runoff; and

WHEREAS, the severity and magnitude of the destruction and damage from the flooding is beyond the normal capacities of the state;

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington, as a result of the aforementioned situation and under the provisions of Chapters 43.06 and 38.52 Revised Code of Washington, do hereby proclaim that a State of Emergency exists in the counties of Douglas, Grant, Klickitat, Mason, Okanogan, Pacific and Yakima. I hereby authorize execution of the Washington State Comprehensive Emergency Management Plan. State agencies and departments are directed to utilize state resources and do everything possible to assist affected political subdivisions in an effort to cope with the emergency. Additionally, the Department of Community, Trade and Economic Development, Emergency Management, is instructed to coordinate all state assistance to the affected areas, and a determination of the need for federal disaster assistance in the counties of Douglas, Klickitat, and Yakima.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this tenth day of February, Nineteen Hundred Ninety-five.

Mike Lowry Governor of Washington

ATTEST:

Ralph Munro Secretary of State

WSR 95-05-053 NOTICE OF PUBLIC MEETINGS PIERCE COLLEGE

[Memorandum—February 10, 1995]

The board of trustees of Community College District Number Eleven (Pierce College) would like to make the following change to an upcoming regular board meeting:

Meeting Date/Location

Time

Change To:

March 8, 1995 Ft. Steilacoom Campus 11:30 a m

Change the meeting date to

March 6, 1995

(same time and location)

[3]

WSR 95-05-060 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF HEALTH

(Examining Board of Psychology) [Memorandum—February 7, 1995]

The following is a list of 1995 meeting dates for the Examining Board of Psychology.

February 10-11, 1995

Valley Medical Center Medical Art Center 400 South 43rd Street Renton, WA 98055

Educational Department Conference Room

First Floor

March 10-11, 1995

Valley Medical Center Medical Art Center

400 South 43rd Street Renton, WA 98055

Educational Department Conference Room

First Floor

April 14-15, 1995 Mountain Pacific Building

11920 Northup Way First Floor Conference Room Bellevue, WA 98005

May 12-13, 1995

Valley Medical Center Medical Art Center 400 South 43rd Street Renton, WA 98055

Educational Department Conference Room

First Floor

June 9-10, 1995

Valley Medical Center Medical Art Center 400 South 43rd Street Renton, WA 98055

Educational Department Conference Room

First Floor

September 8-9, 1995

Mountain Pacific Building 11920 Northup Way First Floor Conference Room Bellevue, WA 98005

October 13-14, 1995

Valley Medical Center Medical Art Center 400 South 43rd Street Renton, WA 98055

Educational Department Conference Room

First Floor

December 8-9, 1995

Valley Medical Center Medical Art Center 400 South 43rd Street Renton, WA 98055

Educational Department Conference Room

First Floor

WSR 95-05-067 HEALTH SERVICES COMMISSION

[Filed February 14, 1995, 2:50 p.m.]

NOTICE OF PETITION TO APPROVE CERTAIN CONDUCT-IN THE MATTER OF INLAND NORTHWEST HEALTH SERVICES dba ST. LUKE'S REHABILITATION INSTITUTE

Inland Northwest Health Services, doing business as the St. Luke's Rehabilitation Institute and sponsored by Empire Health Center Group and Sacred Heart Medical Center, has petitioned the Washington State Health Services Commission to approve certain conduct which could lessen competition in the relevant market, pursuant to the provisions of RCW 43.72.310 and WAC 245-02-130 et seq. Consistent with the provisions of WAC 245-02-131, the Health Services Commission is soliciting comments from the public on the petition.

Written comments may be filed with Tom Hilyard, Health Services Commission, P.O. Box 41185, Olympia, WA 98504-1185, and must received by March 10, 1995.

HEALTH SERVICES COMMISSION

In the Matter of:)	
•)	NOTICE OF HEARING
INLAND NORTHWEST HEALTH)	
SERVICES)	
)	
dba ST. LUKE'S REHABILITATION)	
INSTITUTE)	

TO: Donald K. Qurna, RANDALL & DANSKIN, P.S., 150 SeaFirst Financial Center, 601 West Riverside Avenue, Spokane, WA, Counsel for Petitioner

Inland Northwest Health Services has filed a petition to approve certain conduct pursuant to the provision of RCW 43.72.310. The Health Services Commission appoints Tom Hilyard, pursuant to the provisions of WAC 245-02-165, to serve as the Presiding Officer in this matter. The hearing is scheduled for March 15, 1995, at 9 a.m. at the Health Services Office (605 Woodland Square Loop SE, Lacey, Washington) in Conference Room 1.

On or before February 28, 1995, Petitioner shall serve two copies of a Brief on the Health Services Commission that addresses, with specificity, the factors set forth in RCW 43.72.310(4). Respondent's Brief must be served on the Petitioner and the Presiding Officer on or before March 8, 1995.

DATED this 9th day of February, 1995.

BERNIE DOCHNAHL, Chair Health Services Commission

NOTICE OF HEARING

WSR 95-05-074 NOTICE OF PUBLIC MEETINGS DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

(Community Economic Revitalization Board) [Memorandum—February 13, 1995]

The following schedule of the 1996 regular meetings of the Community Economic Revitalization Board (CERB) is hereby submitted for publication in the Washington State Register:

January 18, 1996 March 21, 1996 May 16, 1996 July 18, 1996 September 19, 1996 November 21, 1996

All CERB meetings will be held on the third Thursday of every other month in the SeaTac Airport large auditorium.

In accordance with Executive Order 79-03, the meeting site has been selected to be barrier free to the greatest extent feasible. Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments will be provided if requested at least ten working days in advance.

Any questions regarding the CERB meetings should be sent to: Community Economic Revitalization Board, c/o Department of Community, Trade and Economic Development, 2001 6th Avenue, Suite 2700, Seattle, WA 98121, (206) 464-6282.

WSR 95-05-075 ATTORNEY GENERAL'S OFFICE

[Filed February 15, 1995, 10:52 a.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by March 8, 1995. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by March 8, 1995, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (206) 753-4114, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request:

95-02-3 Russell D. Hauge, Kitsap County Prosecuting Attorney

Question regarding possible conflict between RCW 71.05.390 and 9.41.047 (mental health commitment information).

Miscellaneous [4]

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

AMD = Amendment of existing section

A/R = Amending and recodifying a section

DECOD = Decodification of an existing section NEW = New section not previously codified

OBJEC = Notice of objection by Joint Administrative

Rules Review Committee

PREP = Preproposal comments RE-AD = Readoption of existing section

RECOD = Recodification of previously codified

section

REP = Repeal of existing section

RESCIND = Rescind previous emergency rule

REVIEW = Review of previously adopted rule

Suffixes:

-P = Proposed action

-C = Continuance of previous proposal

-E = Emergency action

-S = Supplemental notice

-W = Withdrawal of proposed action

No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-101-700	AMD-W	95-04-036	51-20-005	REP-P	95-04-106	51-20-2312	REP-P	95-04-106
16-585-010	NEW-P	95-05-071	51-20-007	REP-P	95-04-106	51-20-2700	REP-P	95-04-106
16-585-020	NEW-P	95-05-071	51-20-008	REP-P	95-04-106	51-20-2710	REP-P	95-04-106
16-585-030	NEW-P	95-05-071	51-20-009	REP-P	95-04-106	51-20-3000	REP-P	95-04-106
16-585-040	NEW-P	95-05-071	51-20-0100	REP-P	95-04-106	51-20-3007	REP-P	95-04-106
16-585-050	NEW-P	95-05-071	51-20-0104	REP-P	95-04-106	51-20-3100	REP-P	95-04-106
16-585-060	NEW-P	95-05-071	51-20-0300	REP-P	95-04-106	51-20-3101	REP-P	95-04-106
16-585-070	NEW-P	95-05-071	51-20-0307	REP-P	95-04-106	51-20-3102	REP-P	95-04-106
16-585-080	NEW-P	95-05-071	51-20-0400	REP-P	95-04-106	51-20-3103	REP-P	95-04-106
16-585-090	NEW-P	95-05-071	51-20-0404	REP-P	95-04-106	51-20-3104	REP-P	95-04-106
50-60-010	AMD-P	95-05-084	51-20-0407	REP-P	95-04-106	51-20-3105	REP-P	95-04-106
50-60-020	AMD-P	95-05-084	51-20-0409	REP-P	95-04-106	51-20-3106	REP-P	95-04-106
50-60-030	AMD-P	95-05-084	51-20-0414	REP-P	95-04-106	51-20-3107	REP-P	95-04-106
50-60-035	NEW-P	95-05-084	51-20-0417	REP-P	95-04-106	51-20-3108	REP-P	95-04-106
50-60-040	AMD-P	95-05-084	51-20-0420	REP-P	95-04-106	51-20-3109	REP-P	95-04-106
50-60-042	NEW-P	95-05-084	51-20-0500	REP-P	95-04-106	51-20-3110	REP-P	95-04-106
50-60-045	AMD-P	95-05-084	51-20-0503	REP-P	95-04-106	51-20-3111	REP-P	95-04-106
50-60-050	AMD-P	95-05-084	51-20-0514	REP-P	95-04-106	51-20-3112	REP-P	95-04-106
50-60-060	AMD-P	95-05-084	51-20-0515	REP-P	95-04-106	51-20-3113	REP-P	95-04-106
50-60-070	AMD-P	95-05-084	51-20-0551	REP-P	95-04-106	51-20-3114	REP-P	95-04-106
	AMD-P	95-05-084	51-20-0600	REP-P	95-04-106	51-20-3151	REP-P	95-04-106
50-60-080	NEW-P	95-05-084	51-20-0605	REP-P	95-04-106	51-20-3151	REP-P	95-04-106
50-60-08001	NEW-P	95-05-084	51-20-0700	REP-P	95-04-106	51-20-3153	REP-P	95-04-106
50-60-08002	NEW-P NEW-P	95-05-084	51-20-0702	REP-P	95-04-106	51-20-3154	REP-P	95-04-106
50-60-08003	NEW-P		51-20-0800	REP-P	95-04-106	51-20-3155	REP-P	95-04-106
50-60-08004	NEW-P	95-05-084 95-05-084	51-20-0801	REP-P	95-04-106	51-20-3156	REP-P	95-04-106
50-60-08005	NEW-P		51-20-0802	REP-P	95-04-106	51-20-3300	REP-P	95-04-106
50-60-08006	NEW-P	95-05-084		REP-P	95-04-106	51-20-3304	REP-P	95-04-106
50-60-08007	NEW-P	95-05-084	51-20-0900	REP-P	95-04-106 95-04-106	51-20-3306	REP-P	95-04-106
50-60-08008	NEW-P	95-05-084	51-20-0901	REP-P	95-04-106	51-20-3315	REP-P	95-04-106
50-60-09001	NEW-P	95-05-084	51-20-0902		95-04-106 95-04-106		REP-P	95-04-106
50-60-09002	NEW-P	95-05-084	51-20-1000	REP-P		51-20-3350	REP-P	95-04-106
50-60-09003	NEW-P	95-05-084	51-20-1011	REP-P	95-04-106	51-20-3800		
50-60-09004	NEW-P	95-05-084	51-20-1200	REP-P	95-04-106	51-20-3801	REP-P	95-04-106
50-60-100	AMD-P	95-05-084	51-20-1201	REP-P	95-04-106	51-20-3802	REP-P	95-04-106
50-60-110	AMD-P	95-05-084	51-20-1210	REP-P	95-04-106	51-20-3900	REP-P	95-04-106
50-60-120	AMD-P	95-05-084	51-20-1215	REP-P	95-04-106	51-20-3901	REP-P	95-04-106
50-60-125	NEW-P	95-05-084	51-20-1223	REP-P	95-04-106	51-20-3903	REP-P	95-04-106
50-60-130	AMD-P	95-05-084	51-20-1224	REP-P	95-04-106	51-20-5100	REP-P	95-04-106
50-60-140	AMD-P	95-05-084	51-20-1225	REP-P	95-04-106	51-20-5103	REP-P	95-04-106
50-60-150	AMD-P	95-05-084	51-20-1226	REP-P	95-04-106	51-20-5105	REP-P	95-04-106
50-60-160	AMD-P	95-05-084	51-20-1227	REP-P	95-04-106	51-20-5400	REP-P	95-04-106
50-60-165	AMD-P	95-05-084	51-20-1228	REP-P	95-04-106	51-20-5401	REP-P	95-04-106
50-60-180	REP-P	95-05-084	51-20-1229	REP-P	95-04-106	51-20-93100	REP-P	95-04-106
50-60-190	NEW-P	95-05-084	51-20-1230	REP-P	95-04-106	51-20-93115	REP-P	95-04-106
50-60-200	NEW-P	95-05-084	51-20-1231	REP-P	95-04-106	51-20-931-16	REP-P	95-04-106
50-60-210	NEW-P	95-05-084	51-20-1232	REP-P	95-04-106	51-20-93117	REP-P	95-04-106
51-20	PREP	95-03-086	51-20-1233	REP-P	95-04-106	51-20-93118	REP-P	95-04-106
51-20-001	REP-P	95-04-106	51-20-1234	REP-P	95-04-106	51-20-93119	REP-P	95-04-106
51-20-002	REP-P	95-04-106	51-20-1800	REP-P	95-04-106	51-20-93120	REP-P	95-04-106
51-20-003	REP-P	95-04-106	51-20-1807	REP-P	95-04-106	51-21	PREP	95-03-086
51-20-004	REP-P	95-04-106	51-20-2300	REP-P	95-04-106	51-21-001	REP-P	95-04-106

WAC #		WSR #	WAC #		WSR #	WAC#		WSR
E1 21 002	DED D	95-04-106	51-24-80402	REP-P	95-04-106	132G-126-330	REP-P	95-04-(
51-21-002	REP-P REP-P	95-04-106 95-04-106	51-24-99500	REP-P	95-04-106	132G-126-340	REP-P	95-04-0
51-21-003 51-21-007	REP-P	95-04-106 95-04-106	51-24-99510	REP-P	95-04-106	132G-126-350	REP-P	95-04-(
51-21-007 51-21-008	REP-P	95-04-106	51-25	PREP	95-03-086	132G-126-360	REP-P	95-04-0
11-21-008	REP-P	95-04-106	51-25-001	REP-P	95-04-106	132G-126-370	REP-P	95-04-0
51-21-31010 51-21-38030	REP-P	95-04-106	51-25-001	REP-P	95-04-106	132G-126-380	REP-P	95-04-0
51-21-38038	REP-P	95-04-106	51-25-002	REP-P	95-04-106	132G-126-390	REP-P	95-04-0
51-21-38039	REP-P	95-04-106	51-25-007	REP-P	95-04-106	132G-126-400	REP-P	95-04-0
51-22	PREP	95-03-086	51-25-008	REP-P	95-04-106	132Q-04-097	NEW	95-03-0
51-22-001	REP-P	95-04-106	51-30-0311	NEW-W	95-05-055	139-10-210	AMD-P	95-04-0
1-22-002	REP-P	95-04-106	51-30-0417	NEW-W	95-05-055	173-06-010	REP-P	95-03-
1-22-003	REP-P	95-04-106	51-30-0502	NEW-W	95-05-055	173-06-020	REP-P	95-03-
1-22-004	REP-P	95-04-106	51-34-7901	NEW-W	95-05-054	173-06-030	REP-P	95-03-
1-22-005	REP-P	95-04-106	51-35-09000	NEW-W	95-05-054	173-06-040	REP-P	95-03-
1-22-007	REP-P	95-04-106	51-35-52404	NEW-W	95-05-054	173-06-100	NEW-P	95-03-
51-22-008	REP-P	95-04-106	51-35-52411	NEW-W	95-05-054	173-06-110	NEW-P	95-03-
51-22-0400	REP-P	95-04-106	51-35-52417	NEW-W	95-05-054	173-06-120	NEW-P	95-03-0
1-22-0423	REP-P	95-04-106	51-35-52501	NEW-W	95-05-054	173-06-130	NEW-P	95-03-
1-22-0500	REP-P	95-04-106	51-35-52502	NEW-W	95-05-054	173-12	PREP	95-03-
1-22-0504	REP-P	95-04-106	51-35-52503	NEW-W	95-05-054	173-12-010	REP-P	95-05-
1-22-0800	REP-P	95-04-106	51-35-52504	NEW-W	95-05-054	173-12-020	REP-P	95-05-
1-22-0807	REP-P	95-04-106	51-35-52505	NEW-W	95-05-054	173-12-030	REP-P	95-05-
1-22-1000	REP-P	95-04-106	51-35-52506	NEW-W	95-05-054	173-12-040	REP-P	95-05-
1-22-1002	REP-P	95-04-106	51-35-52507	NEW-W	95-05-054	173-12-050	REP-P	95-05-
1-22-1100	REP-P	95-04-106	51-35-52508	NEW-W	95-05-054	173-12-060	REP-P	95-05-
1-22-1104	REP-P	95-04-106	51-35-52509	NEW-W	95-05-054	173-19-250	PREP	95-04-
1-22-1500	REP-P	95-04-106	55-01	PREP	95-04-058	173-19-2513	PREP	95-05-
1-22-1508	REP-P	95-04-106	55-01-010	AMD-E	95-04-075	173-19-260	PREP	95-04-
1-22-1900	REP-P	95-04-106	55-01-020	AMD-E	95-04-075	173-19-260	AMD-P	95-05-
1-22-1903	REP-P	95-04-106	55-01-030	AMD-E	95-04-075	173-19-3507	AMD-P	95-03-
1-24	PREP	95-03-086	55-01-040	AMD-E	95-04-075	173-19-3514	AMD-P	95-03-
1-24-001	REP-P	95-04-106	55-01-050	AMD-E	95-04-075	173-303	PREP	95-05-
1-24-002	REP-P	95-04-106	55-01-060	AMD-E	95-04-075	173-360-100	AMD	95-04-
1-24-003	REP-P	95-04-106	55-01-070	AMD-E	95-04-075	173-360-110	AMD	95-04-
1-24-007	REP-P	95-04-106	60-12-010	PREP	95-04-090	173-360-120	AMD	95-04-
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1-24-04000	REP-P	, 95-04-106	67-35-030	AMD-P	95-05-040	173-360-190	AMD	95-04-
1-24-04123	REP-P	95-04-106	67-35-210	PREP	95-04-012	173-360-200	AMD	95-04-
1-24-09000	REP-P	95-04-106	67-35-210	AMD-P	95-05-040	173-360-210	AMD	95-04-
1-24-09105	REP-P	95-04-106	67-35-215	PREP	95-04-012	173-360-305	AMD	95-04-
1-24-09107	REP-P	95-04-106	67-35-215	NEW-P	95-05-040	173-360-310	AMD	95-04-
1-24-09110	REP-P	95-04-106	67-35-220	PREP	95-04-012	173-360-320	AMD	95-04-
1-24-09117	REP-P	95-04-106	67-35-220	AMD-P	95-05-040	173-360-325	AMD	95-04-
1-24-10000	REP-P	95-04-106	67-35-230	PREP	95-04-012	173-360-330	AMD	95-04-
1-24-10201	REP-P	95-04-106	67-35-230	AMD-P	95-05-040	173-360-335	AMD	95-04-
1-24-10507	REP-P	95-04-106	67-35-350	PREP	95-04-012 95-05-040	173-360-340 173-360-345	AMD	95-04- 95-04-
1-24-25000	REP-P	95-04-106	67-35-350	REP-P PREP	95-04-012	173-360-343	AMD AMD	95-04-
1-24-25107	REP-P	95-04-106	67-35-360		95-04-012 95-05-040	173-360-350	AMD	95-04- 95-04-
1-24-45000	REP-P REP-P	95-04-106 95-04-106	67-35-360 67-35-430	AMD-P PREP	95-04-012	173-360-370	AMD	95-04-
1-24-45211 1-24-78000	REP-P	95-04-106	67-35-430	AMD-P	95-05-040	173-360-385	AMD	95-04-
1-24-78000	REP-P	95-04-106	131-16-005	PREP	95-05-026	173-360-600	AMD	95-04-
1-24-78201	REP-P	95-04-106	132G-126-010	REP-P	95-04-008	173-360-600	AMD	95-04-
1-24-79601	REP-P	95-04-106	132G-126-020	REP-P	95-04-008	173-360-620	NEW	95-04-
1-24-79603	REP-P	95-04-106	132G-126-030	REP-P	95-04-008	173-360-630	AMD	95-04-
1-24-79809	REP-P	95-04-106	132G-126-040	REP-P	95-04-008	173-360-640	REP	95-04-
1-24-79901	REP-P	95-04-106	132G-126-050	REP-P	95-04-008	173-360-650	REP	95-04-
1-24-80000	REP-P	95-04-106	132G-126-060	REP-P	95-04-008	173-360-655	REP	95-04-
1-24-80101	REP-P	95-04-106	132G-126-070	REP-P	95-04-008	173-360-660	REP	95-04-
1-24-80101	REP-P	95-04-106	132G-126-080	REP-P	95-04-008	173-360-680	REP	95-04-
1-24-80108	REP-P	95-04-106	132G-126-200	REP-P	95-04-008	173-360-690	REP	95-04-
1-24-80109	REP-P	95-04-106	132G-126-210	REP-P	95-04-008	173-360-695	REP	95-04-
1-24-80110	REP-P	95-04-106	132G-126-220	REP-P	95-04-008	173-430-010	AMD	95-03-
1-24-80110	REP-P	95-04-106	132G-126-220 132G-126-230	REP-P	95-04-008	173-430-020	AMD	95-03-
1-24-80111	REP-P	95-04-106	132G-126-240	REP-P	95-04-008	173-430-030	AMD	95-03-
1-24-80113	REP-P	95-04-106	132G-126-250	REP-P	95-04-008	173-430-040	AMD	95-03-
1-24-80114	REP-P	95-04-106	132G-126-260	REP-P	95-04-008	173-430-050	AMD	95-03-
1-24-80120	REP-P	95-04-106	132G-126-270	REP-P	95-04-008	173-430-060	AMD	95-03-
1-24-80202	REP-P	95-04-106	132G-126-280	REP-P	95-04-008	173-430-070	AMD	95-03-
1-24-80301	REP-P	95-04-106	132G-126-290	REP-P	95-04-008	173-430-080	AMD	95-03-
1-24-80305	REP-P	95-04-106	132G-126-300	REP-P	95-04-008	173-430-090	NEW	95-03-
1-24-80315	REP-P	95-04-106	132G-126-310	REP-P	95-04-008	173-430-100	NEW	95-03-
1-24-80401	REP-P	95-04-106	132G-126-320	REP-P	95-04-008	173-563-015	AMD	95-02-0

WAC #		WSR #	WAC #		WSR #	WAC#		WSR #
172 564 040		05.00.000	105 11 555	.,	0.5.5.5			
173-564-040 174-116-010	AMD PREP	95-02-066 95-05-010	197-11-230 197-11-232	NEW-E	95-03-059	222-21-020	NEW-C	95-04-073
174-116-011	PREP	95-05-010	197-11-232	NEW-E NEW-E	95-03-059 95-03-059	222-21-030 222-21-040	NEW-C NEW-C	95-04-073 95-04-073
174-116-020	PREP	95-05-010	204-24-050	AMD-S	95-03-089	222-24-030	AMD-C	95-04-073
174-116-030	PREP	95-05-010	204-41-030	AMD-E	95-04-060	222-24-030	AMD-E	95-04-074
174-116-040	PREP	95-05-010	204-41-030	PREP	95-05-001	222-30-050	AMD-C	95-04-073
174-116-041	PREP	95-05-010	220-12-020	AMD	95-04-066	222-30-050	AMD-E	95-04-074
174-116-042	PREP PREP	95-05-010	220-32-05100M	NEW-E	95-04-087	222-30-060	AMD-C	95-04-073
174-116-043 174-116-044	PREP	95-05-010 95-05-010	220-32-05700Q 220-33-04000A	NEW-E NEW-E	95-03-002 95-03-013	222-30-060 222-30-065	AMD-E NEW-C	95-04-074
174-116-046	PREP	95-05-010	220-44-05000M	REP-E	95-05-013	222-30-065	NEW-C	95-04-073 95-04-074
174-116-050	PREP	95-05-010	220-44-05000N	NEW-E	95-05-007	222-30-003	AMD-C	95-04-073
174-116-060	PREP	95-05-010	220-44-05000N	REP-E	95-05-021	222-30-070	AMD-E	95-04-074
174-116-071	PREP	95-05-010	220-44-05000P	NEW-E	95-05-021	222-30-075	NEW-C	95-04-073
174-116-072	PREP PREP	95-05-010	220-49-02000H	NEW-E	95-04-088	222-30-075	NEW-E	95-04-074
174-116-080 174-116-091	PREP	95-05 - 010 95-05-010	220-52-04600Z 220-52-07300V	NEW-E REP-E	95-05-056 95-03-064	222-30-100	AMD-C	95-04-073
174-116-091	PREP	95-05-010	220-52-07300V 220-52-07300W	NEW-E	95-03-067	222-30-100 222-38-020	AMD-E AMD-C	95-04-074 95-04-073
174-116-119	PREP	95-05-010	220-56	AMD-C	95-04-064	222-38-020	AMD-E	95-04-074
174-116-121	PREP	95-05-010	220-56-100	AMD	95-04-066	222-38-030	AMD-C	95-04-073
174-116-122	PREP	95-05-010	220-56-105	AMD	95-04-066	222-38-030	AMD-E	95-04-074
174-116-123	PREP	95-05-010	220-56-115	AMD	95-04-066	230-02-010	AMD-P	95-04-043
174-116-124 174-116-125	PREP PREP	95-05-010 95-05-010	220-56-116	AMD	95-04-066	230-02-183	AMD-P	95-04-039
174-116-125	PREP	95-05-010 95-05-010	220-56-125 220-56-127	REP REP	95-04-066 95-04-066	230-02-240 230-02-350	AMD-P	95-04-037
174-116-127	PREP	95-05-010	220-56-130	AMD	95-04-066	230-02-360	AMD-P AMD-P	95-04-038 95-04-038
178-01	PREP	95-04-016	220-56-180	AMD	95-04-066	230-02-370	AMD-P	95-04-038
178-01-010	REP-P	95-04-017	220-56-185	AMD	95-04-066	230-02-380	AMD-P	95-04-038
180-27	PREP	95-05-038	220-56-19100H	REP-E	95-02-069	230-02-418	AMD-P	95-04-037
180-27-019	AMD-P	95-05-083	220-56-191001	NEW-E	95-02-069	230-04-080	AMD-P	95-04-038
180-29-015 180-29-015	PREP AMD-P	95-05-036 95-05-081	220-56-205 220-56-210	AMD	95-04-066	230-04-145	AMD-P	95-04-037
180-29-015	PREP	95-05-037	220-56-225	AMD AMD	95-04-066 95-04-066	230-04-147 230-04-280	AMD-P AMD-C	95-04-037
180-29-095	AMD-P	95-05-082	220-56-235	AMD	95-04-066	230-04-280	AMD-C	95-04-040 95-04-040
180-29-125	PREP	95-05-035	220-56-240	AMD	95-04-066	230-08-070	AMD-P	95-04-039
180-29-125	AMD-P	95-05-080	220-56-265	AMD	95-04-066	230-08-130	AMD-P	95-04-038
180-43-010	AMD-P	95-05-077	220-56-282	AMD	95-04-066	230-08-160	AMD-P	95-04-038
180-43-015 180-75-070	AMD-P PREP	95-05-077 95-05-043	220-56-28500D 220-56-310	NEW-E	95-05-049	230-12-040	AMD-P	95-04-039
180-75-070	PREP	95-05-043	220-56-310	AMD AMD	95-04-066 95-04-066	230-12-079 230-20-070	NEW-P	95-04-037
180-95	AMD-P	95-05-076	220-56-335	AMD	95-04-066	230-20-070	AMD-P AMD-P	95-04-037 95-04-039
180-95-005	AMD-P	95-05-076	220-56-340	AMD	95-04-066	230-20-325	AMD-P	95-04-039
180-95-050	AMD-P	95-05-076	220-56-35000C	REP-E	95-04-086	230-20-335	NEW-P	95-04-039
180-95-070	NEW-P	95-05-076	220-56-35000D	NEW-E	95-04-086	230-40-400	AMD-E	95-05-070
182-04	PREP PREP	95-04-057	220-56-365	AMD	95-04-066	230-50-010	AMD-C	95-04-040
182-08 182-12	PREP	95-04-057 95-04-057	220-56-370 220-56-38000W	AMD REP-E	95-04-066 95-04-086	232-12-001 232-12-131	AMD	95-05-008
182-13-010	NEW-P	95-03-063	220-56-38000W	NEW-E	95-04-086	232-12-131	AMD AMD	95-03-034 95-05-008
182-13-010	NEW-W	95-03-074	220-56-390	AMD	95-04-066	232-12-131	AMD	95-02-070
182-13-010	NEW-P	95-03-075	220-57	AMD-C	95-04-064	232-12-619	AMD	95-05-008
182-13-020	NEW-P	95-03-063	220-57-16000Z	NEW-E	95-05-049	232-12-61900A	NEW-E	95-04-065
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182-13-030	NEW-P	95-03-075	220-95-011	REP-P	95-03-088	232-28-02205	AMD AMD	95-03-027 95-03-028
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182-16	PREP	95-04-057	220-95-021	REP-P	95-03-088	232-28-240	AMD	95-03-031
182-18 192-12-130	PREP PREP	95-04-057 95-04-104	220-95-022 220-95-026	NEW-P	95-03-088	232-28-241	AMD	95-03-032
192-12-130	PREP	95-04-104 95-04-104	220-95-026	REP-P NEW-P	95-03-088 95-03-088	232-28-24102 232-28-242	NEW AMD	95-03-035 95-03-033
192-42-005	REP	95-05-048	220-95-031	REP-P	95-03-088	232-28-242	NEW	95-03-033 95-03-036
192-42-010	REP	95-05-048	220-95-032	NEW-P	95-03-088	232-28-24601	NEW-E	95-03-068
192-42-021	REP	95-05-048	222-10-030	NEW-C	95-04-073	232-28-247	NEW	95-03-037
192-42-030	REP	95-05-048	222-10-040	NEW-C	95-04-073	232-28-248	NEW	95-03-038
192-42-056	REP	95-05-048	222-16-010	AMD-C	95-04-073	232-28-249	NEW	95-03-039
192-42-057 192-42-058	REP REP	95-05-048 95-05-048	222-16-010 222-16-075	AMD-E NEW-C	95-04-074 95-04-073	232-28-619	AMD	95-04-008
192-42-038	REP	95-05-048 95-05-048	222-16-075	AMD-C	95-04-073 95-04-073	232-28-61900A 232-28-61952	NEW-E NEW-W	95-04-065
197-11-225	NEW-E	95-03-059	222-16-080	AMD-E	95-04-074	236-15-010	NEW-W NEW	95-03-066 95-05-044
197-11-228	NEW-E	95-03-059	222-21-010	NEW-C	95-04-073	236-15-015	NEW	95-05-044
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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
	NIEW.	95-05-044	246-170-065	NEW	95-04-035	292-09-110	NEW	95-05-03
236-15-050 236-15-100	NEW NEW	95-05-044	246-170-003	REP	95-04-035	292-09-110	NEW	95-05-03
236-15-100	NEW	95-05-044	246-170-080	REP	95-04-035	292-09-130	NEW	95-05-03
236-15-200	NEW	95-05-044	246-170-090	REP	95-04-035	292-09-140	NEW	95-05-03
36-15-700	NEW	95-05-044	246-249-020	AMD-P	95 - 04-100	292-09-150	NEW	95-05-03
36-15-800	NEW	95-05-044	246-249-080	AMD-P	95-04-100	292-09-160	NEW	95-05-03
236-15-900	NEW	95-05-044	246-254	PREP	95-05-058	292-09-170	NEW	95-05-03
45-02-010	NEW	95-04-115	246-255	PREP	95-05-058	292-100-010	NEW-E	95-04-00
45-02-020	NEW	95-04-115	246-272-25001	AMD-P	95-04-034	292-100-020	NEW-E	95-04-00
45-02-025	NEW	95-04-115	246-290-990	PREP	95-05-059	292-100-030	NEW-E NEW-E	95-04-00 95-04-00
45-02-030	NEW	95-04-115	246-815-050	AMD-P	95-03-018 95-02-056	292-100-040 292-100-050	NEW-E NEW-E	95-04-00
45-02-035	NEW	95-04-115	246-815-070 246-838-990	AMD PREP	95-04-069	292-100-030	NEW-E	95-04-00
45-02-040 45-02-045	NEW NEW	95-04-115 95-04-115	246-839-990	PREP	95-04-069	292-100-000	NEW-E	95-04-00
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45-02-131	NEW	95-04-112	246-937-040	NEW	95-04-083	296-23-265	AMD	95-04-05
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246-170-031	NEW	95-04-035	292-09-030	NEW	95-05-031 95-05-031	296-62-3040 296-62-3170	AMD AMD	95-04-0 95-04-0
246-170-040	REP	95-04-035	292-09-040 292-09-050	NEW NEW	95-05-031 95-05-031	296-62-3170	NEW	95-04-0 95-04-0
246-170-041	NEW REP	95-04-035 95-04-035	292-09-060	NEW	95-05-031	296-81-007	AMD	95-04-0
246-170-050 246-170-051	NEW	95-04-035 95-04-035	292-09-060	NEW	95-05-031	296-81-306	NEW	95-04-0
246-170-031 246-170-055	NEW	95-04-035	292-09-080	NEW	95-05-031	296-81-350	AMD	95-04-0
246-170-060	REP	95-04-035	292-09-090	NEW	95-05-031	296-86-060	AMD	95-04-0

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296-95-318 AMD 95-04-005 308-96A-470 PREP 95-02-071 296-115-015 AMD 95-04-007 308-96A-470 REP-P 95-05-066 32 96-116-185 PREP 95-04-061 308-96A-480 PREP 95-02-071 32 96-116-185 AMD-P 95-04-096 308-96A-480 REP-P 95-02-071 32 96-155-100 AMD 95-04-007 308-96A-490 REP-P 95-05-066 32 96-155-17621 AMD-W 95-04-082 308-124-005 AMD 95-03-012 32 96-155-17623 AMD-W 95-04-082 308-124-025 AMD 95-03-012 32 96-155-17652 AMD-W 95-04-082 308-124-010 AMD 95-03-012 32 96-155-17654 AMD-W 95-04-082 308-124A-420 AMD 95-03-012 32 96-155-24501 AMD-P 95-05-061 308-124A-422 AMD 95-03-012 32 96-155-24501 AMD-P 95-05-061 308-124A-595 NEW 95-03-012 32 96-155-24503 AMD-P 95-05-061 308-124A-600 AMD 95-03-012 32 96-155-24501 AMD-P 95-05-061 308-124A-600 AMD 95-03-012 32 96-155-24510 AMD-P 95-05-061 308-124A-000 AMD 95-03-012 32 96-155-24510 AMD-P 95-05-061 308-124H-035 REP 95-03-012 32 96-155-24520 AMD-P 95-05-061 308-124H-036 REP 95-03-012 32 96-155-24521 AMD-P 95-05-061 308-124H-036 REP 95-03-012 32 96-155-24522 NEW-P 95-05-061 308-124H-030 REP 95-03-012 32 96-155-24522 NEW-P 95-05-061 308-124H-030 REP 95-03-012 32 96-155-24523 NEW-P 95-05-061 308-124H-030 REP 95-03-012 32	358-30-190 358-30-220 388-43-010 388-43-020 388-43-130 388-49-410	AMD-P 95-03 AMD-P 95-03 AMD-P 95-03 AMD 95-03 AMD 95-03
296-95-318 AMD 95-04-005 308-96A-470 PREP 95-02-071 296-115-015 AMD 95-04-007 308-96A-470 REP-P 95-05-066 3296-116-185 PREP 95-04-061 308-96A-480 PREP 95-02-071 308-96A-490 PREP 95-03-012 308-155-17621 AMD-W 95-04-082 308-124-055 AMD 95-03-012 308-155-17623 AMD-W 95-04-082 308-124-055 AMD 95-03-012 308-124-025 AMD 95-03-012 308-124-025 AMD 95-03-012 308-124-025 AMD 95-03-012 308-124-025 AMD 95-03-012 308-155-17654 AMD-W 95-04-082 308-124-025 AMD 95-03-012 308-155-24501 AMD 95-03-010 308-124-025 AMD 95-03-012 308-124-025 AMD 95-03-012 308-155-24501 AMD-P 95-05-061 308-124-25 AMD 95-03-012 308-124-025 AMD 95-03-012 308-124-050 NEW 95-03-012 308-124-050 NEW 95-03-012 308-124-050 NEW 95-03-012 308-124-050 NEW 95-03-012 308-124-050 AMD 95-03-012 308-124-	358-30-190 358-30-220 388-43-010 388-43-020 388-43-130 388-49-410	AMD-P 95-03 AMD-P 95-03 AMD 95-03
296-115-015 AMD 95-04-007 308-96A-470 REP-P 95-05-066 3296-116-185 PREP 95-04-061 308-96A-480 PREP 95-02-071 3296-116-185 AMD-P 95-04-096 308-96A-480 PREP 95-02-071 3296-155-012 AMD 95-04-007 308-96A-480 PREP-P 95-02-071 3296-155-100 AMD 95-04-007 308-96A-490 PREP-P 95-05-066 3296-155-17621 AMD-W 95-04-082 308-124-005 AMD 95-03-012 3296-155-17623 AMD-W 95-04-082 308-124-005 AMD 95-03-012 3296-155-17652 AMD-W 95-04-082 308-124-005 AMD 95-03-012 3296-155-17652 AMD-W 95-04-082 308-124-005 AMD 95-03-012 3296-155-17652 AMD-W 95-04-082 308-124-025 AMD 95-03-012 3296-155-24503 AMD-W 95-04-082 308-124-025 AMD 95-03-012 3296-155-24503 AMD-P 95-05-061 308-124-422 AMD 95-03-012 3296-155-24503 AMD-P 95-05-061 308-124-4255 AMD	388-43-010 388-43-020 388-43-130 388-49-410	AMD 95-03
296-155-012 AMD 95-04-096 308-96A-480 REP-P 95-05-066 296-155-012 AMD 95-04-007 308-96A-490 PREP 95-02-071 32 296-155-17621 AMD-W 95-04-082 308-96A-490 REP-P 95-05-066 32 296-155-17621 AMD-W 95-04-082 308-124-005 AMD 95-03-012 296-155-17652 AMD-W 95-04-082 308-124-025 AMD 95-03-012 296-155-17652 AMD-W 95-04-082 308-124A-025 AMD 95-03-012 296-155-17654 AMD-W 95-04-082 308-124A-025 AMD 95-03-012 296-155-20301 AMD 95-04-082 308-124A-420 AMD 95-03-012 296-155-24501 AMD-P 95-05-061 308-124A-422 AMD 95-03-012 296-155-24501 AMD-P 95-05-061 308-124A-590 NEW 95-03-012 296-155-24503 AMD-P 95-05-061 308-124A-595 NEW 95-03-012 32 296-155-24507 NEW-P 95-05-061 308-124A-600 AMD 95-03-012 296-155-24510 AMD 95-03-012 308-124H-011 AMD 95-03-012 296-155-24510 AMD-P 95-05-061 308-124H-025 AMD 95-03-012 296-155-24510 AMD-P 95-05-061 308-124H-025 AMD 95-03-012 32 296-155-24510 AMD-P 95-05-061 308-124H-035 REP 95-03-012 32 296-155-24510 AMD-P 95-05-061 308-124H-035 REP 95-03-012 32 296-155-24510 AMD-P 95-05-061 308-124H-037 REP 95-03-012 32 296-155-24510 AMD-P 95-05-061 308-124H-037 REP 95-03-012 32 296-155-24520 AMD-P 95-05-061 308-124H-037 REP 95-03-012 32 296-155-24520 AMD-P 95-05-061 308-124H-041 AMD 95-03-012 32 296-155-24520 AMD-P 95-05-061 308-124H-037 REP 95-03-012 32 296-155-24520 NEW-P 95-05-061 308-124H-041 AMD 95-03-012 32 296-155-24520 NEW-P 95-05-061 308-124H-041 AMD 95-03-012 32 296-155-24520 NEW-P 95-05-061 308-124H-080 REP 95-03-012 32 296-155-24520 NEW-P 95-05-061 308-124H-540 AMD 95-03-012 32 296-155-24520 NEW-P 95-05-061 308-124H-540 AMD 95-03-012 32 296-155-24520 NEW-P 95-05-061 308-124H-540 AMD 95-0	388-43-020 2 388-43-130 1 388-49-410 2	
296-155-100 AMD 95-04-007 308-96A-490 REP-P 95-05-066 32 296-155-17621 AMD-W 95-04-082 308-124-005 AMD 95-03-012 32 296-155-17623 AMD-W 95-04-082 308-124A-025 AMD 95-03-012 32 296-155-17652 AMD-W 95-04-082 308-124A-110 AMD 95-03-012 32 296-155-17654 AMD-W 95-04-082 308-124A-120 AMD 95-03-012 32 296-155-20301 AMD 95-04-082 308-124A-420 AMD 95-03-012 32 296-155-2450 NEW-P 95-05-061 308-124A-425 AMD 95-03-012 32 296-155-24501 AMD-P 95-05-061 308-124A-590 NEW 95-03-012 32 296-155-24503 AMD-P 95-05-061 308-124A-590 NEW 95-03-012 32 296-155-24505 AMD-P 95-05-061 308-124A-600 AMD 95-03-012 32 296-155-24510 AMD 95-04-007 308-124H-011 AMD 95-03-012 32 296-155-24510 AMD 95-05-061 308-124H-025 AMD 95-03-012 32 296-155-24510 AMD-P 95-05-061 308-124H-035 REP 95-03-012 32 296-155-24510 AMD-P 95-05-061 308-124H-036 REP 95-03-012 32 296-155-24520 AMD-P 95-05-061 308-124H-037 REP 95-03-012 32 296-155-24520 AMD-P 95-05-061 308-124H-036 REP 95-03-012 32 296-155-24520 AMD-P 95-05-061 308-124H-041 AMD 95-03-012 32 296-155-24520 AMD-P 95-05-061 308-124H-041 AMD 95-03-012 32 296-155-24521 AMD-P 95-05-061 308-124H-041 AMD 95-03-012 32 296-155-24523 NEW-P 95-05-061 308-124H-040 AMD 95-03-012 32 296-155-24524 NEW-P 95-05-061 308-124H-080 REP 95-03-012 32 296-155-24525 AMD-P 95-05-061 308-124H-540 AMD 95-03-012 32 296-155-24524 NEW-P 95-05-061 308-124H-540 AMD 95-03-012 32 296-155-24525 AMD-P 95-05-061 308-124H-540 AMD 95-03-012 32	388-43-130 I 388-49-410 <i>i</i>	
296-155-100 AMD 95-04-007 308-96A-490 REP-P 95-05-066 32-05-066 32-05-066 308-124-005 AMD 95-03-012 33-08-124-005 AMD 95-03-012 33-08-124-025 AMD 95-03-012 <t< td=""><td>388-49-410</td><td>NEW 95-03</td></t<>	388-49-410	NEW 95-03
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2,0 100 000		AMD-P 95-05 REP-P 95-05
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270 301 02007		NEW 95-03 NEW 95-03
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270 301 03001		REP 95-03 NEW 95-03
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419-18-030 419-18-040	AMD-P	95-03-091	458-08-270	REP-P	95-04-051	479-24-030	AMD	95-04-072
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19-18-060	AMD-P	95-03-091	458-20-100	AMD-P	95-04-019	479-112-005	REP	95-04-072
19-18-070	AMD-P	95-03-091	458-20-104	AMD-P	95-04-018	479-112-005	NEW	95-04-072 95-04-072
19-18-080	NEW-P	95-03-091	458-20-183	PREP	95-03-092	479-112-0033	AMD	95-04-072
19-72-068	NEW-W	95-02-059	458-20-18601	AMD-P	95-04-053	479-112-009	AMD	95-04-072
134-09-020	AMD-E	95-05-050	458-20-189	PREP	95-04-079	479-112-017	· AMD	95-04-072
134-09-030	AMD-E	95-05-050	458-20-211	PREP	95-05-025	479-113-010	AMD	95-04-072
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134-09-050	AMD-E	95-05-050	458-30-262	PREP	95-02-063	479-113-029	AMD	95-04-072
134-09-060	AMD-E	95-05-050	458-30-590	AMD-P	95-02-062	479-113-031	AMD	95-04-072
34-09-070	AMD-E	95-05-050	458-40-610	PREP	95-04-094	479-113-032	REP	95-04-072
34-09-080	AMD-E	95-05-050	458-40-650	PREP	95-04-094	479-113-035	AMD	95-04-072
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56-09-130	AMD	95-05-033	460-80-315	AMD-P	95-04-097	479-116-016	AMD	95-04-072
56-09-230	AMD	95-05-033	468-32-010	PREP	95-04-070	479-116-035	AMD	95-04-072
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56-09-325	AMD	95-05-033	479-01-010	AMD	95-04-072	479-116-070	NEW	95-04-072
56-09-330	AMD	95-05-033	479-01-020	AMD	95-04-072	479-116-080	NEW	95-04-072
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56-09-730	AMD	95-05-033	479-02-130	AMD	95-04-072	479-120-033	REP	95-04-072
56-09-930	AMD	95-05-033	479-12-005	NEW	95-04-072	479-120-037	NEW	95-04-072
56-09-935	AMD .	95-05-033	479-12-008	NEW	95-04-072	479-120-086	NEW	95-04-072
56-09-945	AMD	95-05-033	479-12-010	AMD	95-04-072	479-120-089	NEW	95-04-072
56-09-955	AMD	95-05-033	479-12-020	AMD	95-04-072	479-120-095	NEW	95-04-072
56-10-110	AMD	95-05-032	479-13-010	AMD	95-04-072	479-216	AMD	95-04-072
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56-10-755	AMD	95-05-032	479-16-045	AMD	95-04-072	479-410-200	NEW	95-04-072
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58-08-060	REP-P	95-04-051	479-16-090	REP	95-04-072	479-412-300	NEW	95-04-072
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58-08-080	REP-P	95-04-051	479-16-092	REP	95-04-072	479-416-010	NEW	95-04-072
58-08-090	REP-P	95-04-051	479-16-094	REP	95-04-072	479-416-015	NEW	95-04-072
58-08-100	REP-P	95-04-051	479-16-096	REP	95-04-072	479-416-016	NEW	95-04-072
8-08-110	REP-P	95-04-051	479-16-098	AMD	95-04-072	479-416-018	NEW	95-04-072
58-08-120	REP-P	95-04-051	479-20-007	AMD	95-04-072	479-416-020	NEW	95-04-072
58-08-130	REP-P	95-04-051	479-20-010	AMD	95-04-072	479-416-030	NEW	95-04-072
58-08-140	REP-P	95-04-051	479-20-011	AMD	95-04-072	479-416-035	NEW	95-04-072
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58-08-200	REP-P	95-04-051 95-04-051	479-20-027	AMD AMD	95-04-072 95-04-072	479-420-011 479-420-013	NEW	95-04-072
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58-08-240	REP-P	95-04-051	479-20-037	REP	95-04-072	479-420-023	NEW	95-04-072
8-08-250	REP-P	95-04-051	479-20-086	AMD	95-04-072	479-420-027	NEW	95-04-072
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Underground storage tanks contractor certification program Water resources Columbia River withdrawal of unappropriated	PERM	95-04-102	trawl rules crab fishery	EMER EMER PREP EMER	95-05-007 95-05-021 95-04-116
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Underground storage tanks contractor certification program Water resources Columbia River withdrawal of unappropriated waters Snake River withdrawal of unappropriated	PERM PERM	95-04-102 95-02-066	trawl rules crab fishery herring areas and seasons	EMER EMER PREP EMER EMER	95-05-007 95-05-021 95-04-116 95-01-052 95-05-056
Underground storage tanks contractor certification program Water resources Columbia River withdrawal of unappropriated waters Snake River withdrawal of unappropriated waters	PERM PERM PERM	95-04-102 95-02-066 95-02-066	trawl rules crab fishery herring areas and seasons salmon Klickitat River license buy-back program	EMER EMER PREP EMER EMER	95-05-007 95-05-021 95-04-116 95-01-052 95-05-056 95-04-088
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Underground storage tanks contractor certification program Water resources Columbia River withdrawal of unappropriated waters Snake River withdrawal of unappropriated waters ECONOMIC DEVELOPMENT FINANCE AU Meetings Policies	PERM PERM PERM THORIT MISC PREP PROP	95-04-102 95-02-066 95-02-066 Y 95-03-043 95-04-016 95-04-017	trawl rules crab fishery herring areas and seasons salmon Klickitat River license buy-back program sea urchins areas and seasons smelt areas and seasons	EMER EMER PREP EMER EMER EMER PROP EMER EMER EMER	95-05-007 95-05-021 95-04-116 95-01-052 95-05-056 95-04-088 95-01-015 95-03-088 95-02-029 95-03-064
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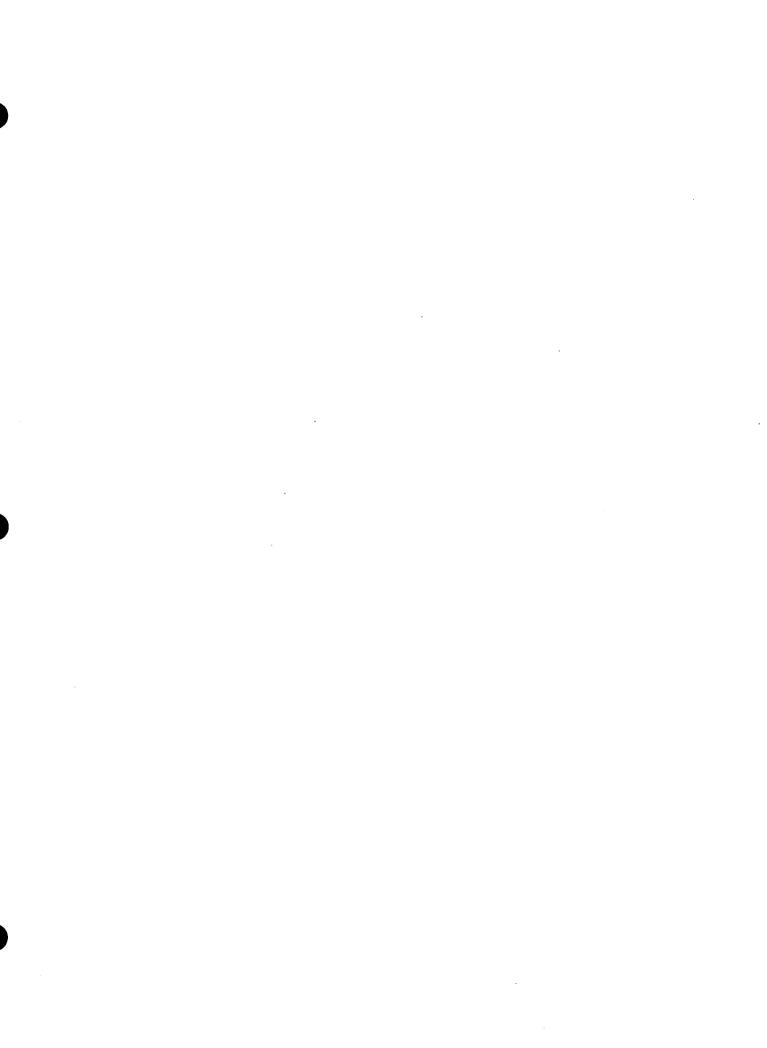
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Contract award process Degree Authorization Act administration and governance Displaced homemaker program Meetings State need grant program WICHE professional student exchange program osteopathic medicine HIGHER EDUCATION FACILITIES AUTHO Organization and operation Underwriters, selection HIGHLINE COMMUNITY COLLEGE Meetings HISPANIC AFFAIRS, COMMISSION ON Rules coordinator HORSE RACING COMMISSION Horses past performance, eligibility Races daily double wagers HUMAN RIGHTS COMMISSION	PERM PROP MISC PROP PROP PERM PERM MISC MISC PREP	95-01-003 95-02-067 95-02-035 95-03-014 95-01-067 95-01-007 95-04-025 95-04-022	elevators, dumbwaiters, escalators, and moving walks hazard communication standard longshore, stevedore, and related waterfront operations shipyards Workers' compensation medical examinations independent medical services reimbursement method retrospective rating LAKE WASHINGTON TECHNICAL COLL Meetings LICENSING, DEPARTMENT OF Architects, board of registration for examinations meetings Escrow commission meetings Motor vehicles fleet vehicles	PERM PERM PERM PERM PROP EGE MISC PERM MISC	95-04-005 95-05-030 95-04-007 95-04-006 95-05-072 95-01-116 95-04-046 95-04-080 95-03-051 95-01-094
Contract award process Degree Authorization Act administration and governance Displaced homemaker program Meetings State need grant program WICHE professional student exchange program osteopathic medicine HIGHER EDUCATION FACILITIES AUTHO Organization and operation Underwriters, selection HIGHLINE COMMUNITY COLLEGE Meetings HISPANIC AFFAIRS, COMMISSION ON Rules coordinator HORSE RACING COMMISSION Horses past performance, eligibility Races daily double wagers	PERM PROP MISC PROP PERM PERM MISC MISC PREP PROP PROP PROP PROP PROP PROP PROP	95-01-003 95-02-067 95-02-035 95-03-014 95-01-067 95-01-007 95-01-007 95-04-025 95-04-022 95-05-078 95-05-079	elevators, dumbwaiters, escalators, and moving walks hazard communication standard longshore, stevedore, and related waterfront operations shipyards Workers' compensation medical examinations independent medical services reimbursement method retrospective rating LAKE WASHINGTON TECHNICAL COLL Meetings LICENSING, DEPARTMENT OF Architects, board of registration for examinations meetings Escrow commission meetings Motor vehicles fleet vehicles	PERM PERM PERM PERM PROP EGE MISC PERM MISC	95-04-005 95-05-030 95-04-007 95-04-006 95-05-072 95-01-116 95-04-046 95-03-051 95-01-094 95-03-099
Contract award process Degree Authorization Act administration and governance Displaced homemaker program Meetings State need grant program WICHE professional student exchange program osteopathic medicine HIGHER EDUCATION FACILITIES AUTHO Organization and operation Underwriters, selection HIGHLINE COMMUNITY COLLEGE Meetings HISPANIC AFFAIRS, COMMISSION ON Rules coordinator HORSE RACING COMMISSION Horses past performance, eligibility Races daily double wagers HUMAN RIGHTS COMMISSION	PERM PROP MISC PROP PERM PERM MISC MISC PREP PROP PROP PROP PROP MISC MISC MISC MISC MISC MISC MISC MISC	95-01-003 95-02-067 95-02-035 95-03-014 95-01-067 95-01-007 95-01-007 95-04-025 95-04-022 95-05-078 95-05-079	elevators, dumbwaiters, escalators, and moving walks hazard communication standard longshore, stevedore, and related waterfront operations shipyards Workers' compensation medical examinations independent medical services reimbursement method retrospective rating LAKE WASHINGTON TECHNICAL COLL Meetings LICENSING, DEPARTMENT OF Architects, board of registration for examinations meetings Escrow commission meetings Motor vehicles fleet vehicles temporary authorization permits	PERM PERM PERM PERM PROP EGE MISC PERM MISC	95-04-005 95-05-030 95-04-007 95-04-006 95-05-072 95-01-116 95-04-046 95-03-051 95-01-094 95-03-099
Contract award process Degree Authorization Act administration and governance Displaced homemaker program Meetings State need grant program WICHE professional student exchange program osteopathic medicine HIGHER EDUCATION FACILITIES AUTHO Organization and operation Underwriters, selection HIGHLINE COMMUNITY COLLEGE Meetings HISPANIC AFFAIRS, COMMISSION ON Rules coordinator HORSE RACING COMMISSION Horses past performance, eligibility Races daily double wagers HUMAN RIGHTS COMMISSION Meetings	PERM PROP MISC PROP PROP PROP PERM MISC MISC MISC MISC MISC MISC MISC MIS	95-01-003 95-02-067 95-02-035 95-03-014 95-01-067 95-01-007 95-04-025 95-04-022 95-05-078 95-05-079 95-01-097 95-01-098	elevators, dumbwaiters, escalators, and moving walks hazard communication standard longshore, stevedore, and related waterfront operations shipyards Workers' compensation medical examinations independent medical services reimbursement method retrospective rating LAKE WASHINGTON TECHNICAL COLL Meetings LICENSING, DEPARTMENT OF Architects, board of registration for examinations meetings Escrow commission meetings Motor vehicles fleet vehicles temporary authorization permits	PERM PERM PERM PERM PROP EGE MISC PERM MISC	95-04-005 95-05-030 95-04-007 95-04-006 95-05-072 95-01-116 95-04-046 95-03-051 95-01-094 95-03-099
Contract award process Degree Authorization Act administration and governance Displaced homemaker program Meetings State need grant program WICHE professional student exchange program osteopathic medicine HIGHER EDUCATION FACILITIES AUTHO Organization and operation Underwriters, selection HIGHLINE COMMUNITY COLLEGE Meetings HISPANIC AFFAIRS, COMMISSION ON Rules coordinator HORSE RACING COMMISSION Horses past performance, eligibility Races daily double wagers HUMAN RIGHTS COMMISSION Meetings	PERM PROP MISC PROP PROP PROP PERM MISC MISC MISC PREP PROP MISC MISC MISC MISC MISC MISC MISC MISC	95-01-003 95-02-067 95-02-035 95-03-014 95-01-067 95-01-007 95-01-007 95-04-025 95-04-022 95-05-078 95-01-097 95-01-098 95-03-085	elevators, dumbwaiters, escalators, and moving walks hazard communication standard longshore, stevedore, and related waterfront operations shipyards Workers' compensation medical examinations independent medical services reimbursement method retrospective rating LAKE WASHINGTON TECHNICAL COLL Meetings LICENSING, DEPARTMENT OF Architects, board of registration for examinations meetings Escrow commission meetings Motor vehicles fleet vehicles temporary authorization permits registration confiscation of arrested person's	PERM PERM PERM PERM PERM PROP EGE MISC MISC PERM PERM PERM MISC	95-04-005 95-05-030 95-04-007 95-04-006. 95-04-056 95-05-072 95-01-116 95-04-046 95-04-080 95-03-051 95-01-094 95-03-099 95-05-045
Contract award process Degree Authorization Act administration and governance Displaced homemaker program Meetings State need grant program WICHE professional student exchange program osteopathic medicine HIGHER EDUCATION FACILITIES AUTHO Organization and operation Underwriters, selection HIGHLINE COMMUNITY COLLEGE Meetings HISPANIC AFFAIRS, COMMISSION ON Rules coordinator HORSE RACING COMMISSION Horses past performance, eligibility Races daily double wagers HUMAN RIGHTS COMMISSION Meetings	PERM PROP MISC PROP PROP PROP PERM MISC MISC MISC MISC MISC MISC MISC MIS	95-01-003 95-02-067 95-02-035 95-03-014 95-01-067 95-01-007 95-01-007 95-04-025 95-04-022 95-05-078 95-01-097 95-01-098 95-03-085	elevators, dumbwaiters, escalators, and moving walks hazard communication standard longshore, stevedore, and related waterfront operations shipyards Workers' compensation medical examinations independent medical services reimbursement method retrospective rating LAKE WASHINGTON TECHNICAL COLL Meetings LICENSING, DEPARTMENT OF Architects, board of registration for examinations meetings Escrow commission meetings Motor vehicles fleet vehicles temporary authorization permits registration confiscation of arrested person's	PERM PERM PERM PERM PERM PROP EGE MISC MISC PERM PERM PERM PERM PERM PERM PERM PERM	95-04-005 95-05-030 95-04-007 95-04-006. 95-04-056 95-05-072 95-01-116 95-04-046 95-04-080 95-03-051 95-01-094 95-03-099 95-05-045
Contract award process Degree Authorization Act administration and governance Displaced homemaker program Meetings State need grant program WICHE professional student exchange program osteopathic medicine HIGHER EDUCATION FACILITIES AUTHO Organization and operation Underwriters, selection HIGHLINE COMMUNITY COLLEGE Meetings HISPANIC AFFAIRS, COMMISSION ON Rules coordinator HORSE RACING COMMISSION Horses past performance, eligibility Races daily double wagers HUMAN RIGHTS COMMISSION Meetings INDUSTRIAL INSURANCE APPEALS, BOAL Practice and procedure	PERM PROP MISC PROP PROP PRITY PERM MISC MISC MISC PREP PROP MISC MISC MISC MISC MISC MISC MISC MISC	95-01-003 95-02-067 95-02-035 95-03-014 95-01-067 95-01-007 95-01-007 95-04-025 95-04-022 95-05-078 95-01-097 95-01-098 95-03-085	elevators, dumbwaiters, escalators, and moving walks hazard communication standard longshore, stevedore, and related waterfront operations shipyards Workers' compensation medical examinations independent medical services reimbursement method retrospective rating LAKE WASHINGTON TECHNICAL COLL Meetings LICENSING, DEPARTMENT OF Architects, board of registration for examinations meetings Escrow commission meetings Motor vehicles fleet vehicles temporary authorization permits registration confiscation of arrested person's registration rental cares	PERM PERM PERM PERM PERM PROP EGE MISC MISC PERM PERM PERM PERM PERM PERM PERM PERM	95-04-005 95-05-030 95-04-007 95-04-006. 95-04-056 95-05-072 95-01-116 95-04-046 95-04-080 95-03-051 95-01-094 95-03-099 95-05-045
Contract award process Degree Authorization Act administration and governance Displaced homemaker program Meetings State need grant program WICHE professional student exchange program osteopathic medicine HIGHER EDUCATION FACILITIES AUTHO Organization and operation Underwriters, selection HIGHLINE COMMUNITY COLLEGE Meetings HISPANIC AFFAIRS, COMMISSION ON Rules coordinator HORSE RACING COMMISSION Horses past performance, eligibility Races daily double wagers HUMAN RIGHTS COMMISSION Meetings INDUSTRIAL INSURANCE APPEALS, BOAI Practice and procedure INFORMATION SERVICES, DEPARTMENT	PERM PROP MISC PROP PROP PRITY PERM MISC MISC MISC PREP PROP MISC MISC MISC MISC MISC MISC MISC MISC	95-01-003 95-02-067 95-02-035 95-03-014 95-01-067 95-01-007 95-01-007 95-04-025 95-04-022 95-05-078 95-01-097 95-01-098 95-03-085	elevators, dumbwaiters, escalators, and moving walks hazard communication standard longshore, stevedore, and related waterfront operations shipyards Workers' compensation medical examinations independent medical services reimbursement method retrospective rating LAKE WASHINGTON TECHNICAL COLL Meetings LICENSING, DEPARTMENT OF Architects, board of registration for examinations meetings Escrow commission meetings Motor vehicles fleet vehicles temporary authorization permits registration confiscation of arrested person's registration rental cares business registration	PERM PERM PERM PERM PERM PEGE MISC MISC PERM PERM PERM PERM	95-04-005 95-05-030 95-04-007 95-04-006. 95-04-056 95-05-072 95-01-116 95-04-046 95-04-080 95-03-051 95-01-094 95-03-099 95-05-045 95-05-066
Contract award process Degree Authorization Act administration and governance Displaced homemaker program Meetings State need grant program WICHE professional student exchange program osteopathic medicine HIGHER EDUCATION FACILITIES AUTHO Organization and operation Underwriters, selection HIGHLINE COMMUNITY COLLEGE Meetings HISPANIC AFFAIRS, COMMISSION ON Rules coordinator HORSE RACING COMMISSION Horses past performance, eligibility Races daily double wagers HUMAN RIGHTS COMMISSION Meetings INDUSTRIAL INSURANCE APPEALS, BOAL Practice and procedure INFORMATION SERVICES, DEPARTMENT Information services board	PERM PROP MISC PROP PROP PRITY PERM MISC MISC MISC PREP PROP MISC MISC MISC MISC MISC MISC MISC MISC	95-01-003 95-02-067 95-02-035 95-03-014 95-01-067 95-01-007 95-01-007 95-04-025 95-04-022 95-05-078 95-05-079 95-01-097 95-01-098 95-03-085	elevators, dumbwaiters, escalators, and moving walks hazard communication standard longshore, stevedore, and related waterfront operations shipyards Workers' compensation medical examinations independent medical services reimbursement method retrospective rating LAKE WASHINGTON TECHNICAL COLL Meetings LICENSING, DEPARTMENT OF Architects, board of registration for examinations meetings Escrow commission meetings Motor vehicles fleet vehicles temporary authorization permits registration confiscation of arrested person's registration rental cares business registration vehicle registration	PERM PREP PROP PREP PROP	95-04-005 95-05-030 95-04-007 95-04-006 95-04-056 95-05-072 95-01-116 95-04-046 95-04-080 95-03-051 95-01-094 95-03-099 95-05-045 95-02-071 95-05-066 95-04-001
Contract award process Degree Authorization Act administration and governance Displaced homemaker program Meetings State need grant program WICHE professional student exchange program osteopathic medicine HIGHER EDUCATION FACILITIES AUTHO Organization and operation Underwriters, selection HIGHLINE COMMUNITY COLLEGE Meetings HISPANIC AFFAIRS, COMMISSION ON Rules coordinator HORSE RACING COMMISSION Horses past performance, eligibility Races daily double wagers HUMAN RIGHTS COMMISSION Meetings INDUSTRIAL INSURANCE APPEALS, BOAI Practice and procedure INFORMATION SERVICES, DEPARTMENT	PERM PROP MISC PROP PROP PRITY PERM MISC MISC MISC PREP PROP MISC MISC MISC MISC MISC MISC MISC MISC	95-01-003 95-02-067 95-02-035 95-03-014 95-01-067 95-01-007 95-01-007 95-04-025 95-04-022 95-05-078 95-01-097 95-01-098 95-03-085	elevators, dumbwaiters, escalators, and moving walks hazard communication standard longshore, stevedore, and related waterfront operations shipyards Workers' compensation medical examinations independent medical services reimbursement method retrospective rating LAKE WASHINGTON TECHNICAL COLL Meetings LICENSING, DEPARTMENT OF Architects, board of registration for examinations meetings Escrow commission meetings Motor vehicles fleet vehicles temporary authorization permits registration confiscation of arrested person's registration rental cares business registration vehicle registration trip permits	PERM PREP PREP PREP	95-04-005 95-05-030 95-04-007 95-04-006. 95-04-056 95-05-072 95-01-116 95-04-046 95-04-080 95-03-051 95-01-094 95-03-099 95-05-045 95-02-071 95-05-066 95-04-001 95-04-001
Contract award process Degree Authorization Act administration and governance Displaced homemaker program Meetings State need grant program WICHE professional student exchange program osteopathic medicine HIGHER EDUCATION FACILITIES AUTHO Organization and operation Underwriters, selection HIGHLINE COMMUNITY COLLEGE Meetings HISPANIC AFFAIRS, COMMISSION ON Rules coordinator HORSE RACING COMMISSION Horses past performance, eligibility Races daily double wagers HUMAN RIGHTS COMMISSION Meetings INDUSTRIAL INSURANCE APPEALS, BOAL Practice and procedure INFORMATION SERVICES, DEPARTMENT Information services board	PERM PROP MISC PROP PROP PROP PERM PERM MISC MISC MISC MISC MISC MISC MISC MIS	95-01-003 95-02-067 95-02-035 95-03-014 95-01-067 95-01-007 95-01-007 95-04-025 95-04-022 95-05-078 95-01-097 95-01-098 95-03-085 95-02-065	elevators, dumbwaiters, escalators, and moving walks hazard communication standard longshore, stevedore, and related waterfront operations shipyards Workers' compensation medical examinations independent medical services reimbursement method retrospective rating LAKE WASHINGTON TECHNICAL COLL Meetings LICENSING, DEPARTMENT OF Architects, board of registration for examinations meetings Escrow commission meetings Motor vehicles fleet vehicles temporary authorization permits registration confiscation of arrested person's registration rental cares business registration vehicle registration trip permits Real estate commission	PERM PREP PREP PREP	95-04-005 95-05-030 95-04-006 95-04-006 95-04-056 95-05-072 95-01-116 95-04-046 95-04-080 95-03-051 95-01-094 95-03-099 95-05-045 95-02-071 95-05-066 95-04-001
Contract award process Degree Authorization Act administration and governance Displaced homemaker program Meetings State need grant program WICHE professional student exchange program osteopathic medicine HIGHER EDUCATION FACILITIES AUTHO Organization and operation Underwriters, selection HIGHLINE COMMUNITY COLLEGE Meetings HISPANIC AFFAIRS, COMMISSION ON Rules coordinator HORSE RACING COMMISSION Horses past performance, eligibility Races daily double wagers HUMAN RIGHTS COMMISSION Meetings INDUSTRIAL INSURANCE APPEALS, BOAI Practice and procedure INFORMATION SERVICES, DEPARTMENT Information services board meetings	PERM PROP MISC PROP PROP PROP PERM PERM MISC MISC MISC MISC MISC MISC MISC MIS	95-01-003 95-02-067 95-02-035 95-03-014 95-01-067 95-01-007 95-01-007 95-04-025 95-04-022 95-05-078 95-05-079 95-01-097 95-01-098 95-03-085 95-02-065	elevators, dumbwaiters, escalators, and moving walks hazard communication standard longshore, stevedore, and related waterfront operations shipyards Workers' compensation medical examinations independent medical services reimbursement method retrospective rating LAKE WASHINGTON TECHNICAL COLL Meetings LICENSING, DEPARTMENT OF Architects, board of registration for examinations meetings Escrow commission meetings Motor vehicles fleet vehicles temporary authorization permits registration confiscation of arrested person's registration rental cares business registration vehicle registration trip permits	PERM PREP PROP PREP PROP	95-04-005 95-05-030 95-05-030 95-04-006 95-04-066 95-05-072 95-01-116 95-04-046 95-04-080 95-03-051 95-01-094 95-03-099 95-05-045 95-04-001 95-04-001 95-04-001 95-01-017 95-01-094
Contract award process Degree Authorization Act administration and governance Displaced homemaker program Meetings State need grant program WICHE professional student exchange program osteopathic medicine HIGHER EDUCATION FACILITIES AUTHO Organization and operation Underwriters, selection HIGHLINE COMMUNITY COLLEGE Meetings HISPANIC AFFAIRS, COMMISSION ON Rules coordinator HORSE RACING COMMISSION Horses past performance, eligibility Races daily double wagers HUMAN RIGHTS COMMISSION Meetings INDUSTRIAL INSURANCE APPEALS, BOAI Practice and procedure INFORMATION SERVICES, DEPARTMENT Information services board meetings INSURANCE COMMISSIONER, OFFICE OF	PERM PROP MISC PROP PROP PRITY PERM MISC MISC MISC PREP PROP MISC MISC MISC MISC MISC MISC MISC MISC	95-01-003 95-02-067 95-02-035 95-03-014 95-01-067 95-01-007 95-01-007 95-04-025 95-04-022 95-05-078 95-01-097 95-01-098 95-03-085 95-02-065	elevators, dumbwaiters, escalators, and moving walks hazard communication standard longshore, stevedore, and related waterfront operations shipyards Workers' compensation medical examinations independent medical services reimbursement method retrospective rating LAKE WASHINGTON TECHNICAL COLL Meetings LICENSING, DEPARTMENT OF Architects, board of registration for examinations meetings Escrow commission meetings Motor vehicles fleet vehicles temporary authorization permits registration confiscation of arrested person's registration vehicle registration vehicle registration trip permits Real estate commission meetings	PERM PREP PROP PREP PROP MISC	95-04-005 95-05-030 95-05-030 95-04-006 95-04-066 95-05-072 95-01-116 95-04-046 95-04-080 95-03-051 95-01-094 95-03-099 95-05-045 95-04-001 95-04-001 95-04-001 95-01-017 95-01-094

LIQUOR CONTROL BOARD Licensees			Salaries reallocation	PROP	95-01-071
food products, minimum inventory	PREP	95-05-005	PERSONNEL, DEPARTMENT OF		
hours of operation local health requirements, enforcement Private clubs	PERM PREP	95-04-044 95-05-004	Personnel resources board (See PERSONNEL RESOURCES BOARD)		
public membership functions	PREP	95-02-015	PIERCE COLLEGE		
Seizure and confiscation of liquor Tobacco products	PERM	95-04-044	Meetings	MISC MISC	95-01-031 95-05-053
vending machines, location Violations and penalties	PERM PERM	95-04-044 95-05-006	PILOTAGE COMMISSIONERS, BOARD OF Pilotage tariff rates		
LOTTERY COMMISSION			Grays Harbor district	PREP	95-04-061
Instant game 122 - High Card	EMER	95-04-063		PROP	95-04-096
Instant game number 136 - Ace in the Hole	PERM PERM	95-03-062 95-03-062	Puget Sound district	PREP	95-04-095
Instant game number 137 - Walla Walla Walla Instant game number 138 - \$2 Bank Roll	PERM	95-03-062	PROFESSIONAL ENGINEERS AND LAND SU	JRVEYC	RS,
Instant game number 139 - 100 Grands	PERM	95-03-062	BOARD OF REGISTRATION FOR	MICC	05.01.004
Instant game number 140 - Joker's Wild	PROP	95-03-100	Meetings	MISC	95-01-004
Instant game number 141 - Go Bananas MARINE SAFETY, OFFICE OF	PROP	95-03-100	PUBLIC DISCLOSURE COMMISSION Contributions		
Oil spill prevention plan	PERM	95-01-029	annual report	PERM	95-01-074A
• •			Lobbyists and lobbying expense reporting	PERM	95-01-074A
MARITIME COMMISSION	MISC	95-01-069	Political advertising	PERM	95-01-074A
Meetings)5 01 00)	•	-	
MINORITY AND WOMEN'S BUSINESS AFF OFFICE OF	PROP	95-03-069	PUBLIC EMPLOYMENT RELATIONS COMM Rules coordinator	MISC	95-05-009
Definitions		93-03-009	PUBLIC INSTRUCTION, SUPERINTENDENT	OF	
NATURAL RESOURCES, DEPARTMENT OF	,		Funding	DEDA	05.01.012
Burning permit program	DDED	95-05-051	enrollment counting	PERM EMER	95-01-013 95-04-055
fees Forest practices board	PREP	95-05-051		PREP	95-04-107·
(See FOREST PRACTICES BOARD)			Special education		
Natural resources, board of			due process hearings	PREP	95-04-089
meetings	MISC	95-03-096	State institutions education program	PROP	95-05-020
•	MISC	95-03-097	Teacher assistance program	PROP	95-01-002
OLYMPIC COLLEGE	MISC	95-04-081 95-01-005	PUBLIC WORKS BOARD (See COMMUNITY, TRADE AND ECONOM	IIC	
Meetings	MISC MISC	95-03-008	DEVELOPMENT, DEPARTMENT OF)		
	MISC	75 05 000	PUGET SOUND AIR POLLUTION CONTROL	L AGEN	CY
OUTDOOR RECREATION, INTERAGENCY			Ambient air quality standard	PERM	95-01-026
COMMITTEE FOR	MISC	95-03-010	contingency plan to meet requirements Compliance with standards	PROP	95-02-009
Meetings	MISC	95-03-017	Emission standards		
	MISC	95-04-062	compliance	PROP	95-02-009
Rules coordinator	MISC	95-03-041	Outdoor fires ,		
			prohibited areas	PROP	95-02-009
PARKS AND RECREATION COMMISSION	EMED	05 02 051	Particulate matter deposition		95-02-009
Campsite reservation	EMER PROP	95-02-051 95-02-052	PUGET SOUND WATER QUALITY AUTHOR		
Environmental education and	IKOI)5 02 052	Meetings	MISC	95-02-005
interpretation services	PREP	95-03-003	RENTON TECHNICAL COLLEGE		
	PROP	95-04-091	Meetings	MISC	95-03-021
Fort Worden		05.00.005	RETIREMENT SYSTEMS, DEPARTMENT O	F	
fees and reservations	PERM	95-03-005 95-03-004	Membership eligibility	PREP	95-05-086
Meetings	MISC	93-03-004	Portability of benefits	PERM	95-03-001
PENINSULA COLLEGE			Standby pay	PROP	95-02-058
Meetings	MISC	95-01-110	Unpaid leave, service credit	PREP	95-05-085
PERSONNEL APPEALS BOARD			REVENUE, DEPARTMENT OF		
Appeals	PROP	95-03-054	Adjudicative proceedings	PROP	95-04-052
Hearings	PROP	95-03-054		PROP	95-04-054
Practice and procedure	PROP	95-03-054	Business and occupation tax	PROP	95-04-018
PERSONNEL RESOURCES BOARD			gross receipts tax relief legal services	PREP	95-04-018
Classification plan	PROP	95-01-071	Contested cases		22 0. 100
	PROP	95-01-072	procedural rules	PROP	95-04-051
Drug testing, limitations and uses	PERM	95-01-074	Cigarette tax		0.4.04.055
Federal Fair Labor Standards Act, consistency with	PROP	95-01-073	adjudicative proceedings	PROP	95-04-053
consistency with	PERM		Inflation rates	PROP PROP	95-04-054 95-02-062
Meetings		95-02-030	INTIGUOD FRIES	INUP	フン・リム・リリム

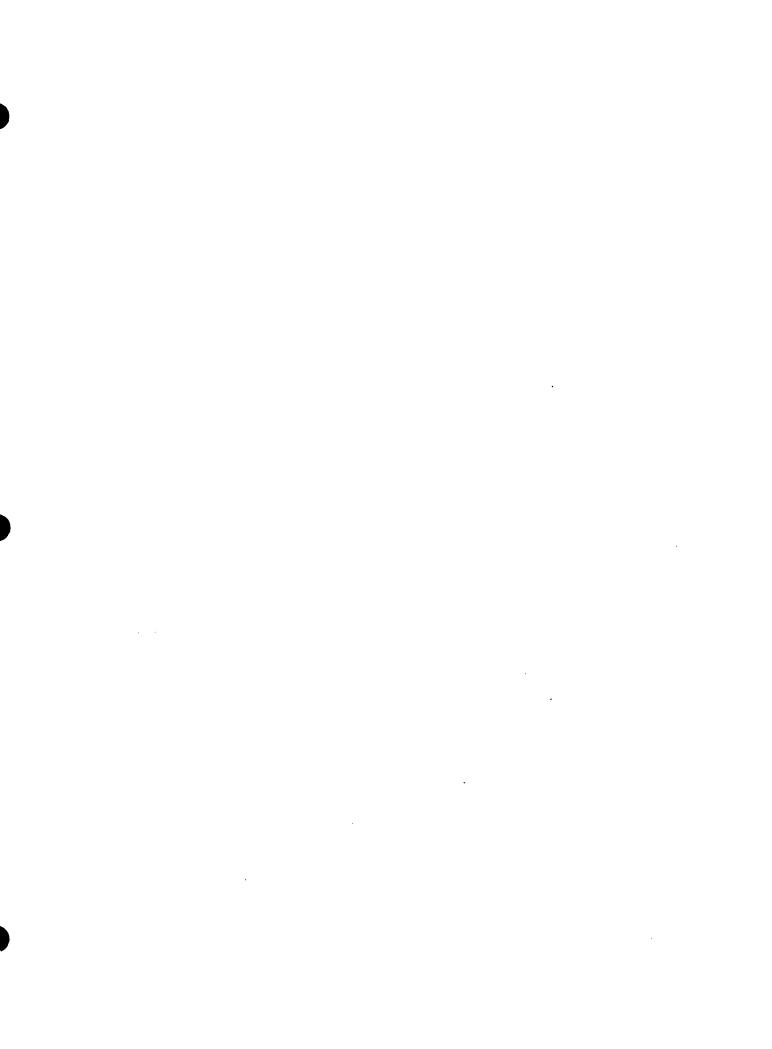
Property tax			Deaf and hard of hearing services		
agricultural land valuation	PREP	95-02-063	equipment, availability	PERM	95-03-049
forest land values	PERM	95-02-039	Food stamp program		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
nonprofit homes for the aging	EMER	95-01-078	boarders in household	PROP	95-02-002
	EMER	95-01-079	definitions	PROP	95-01-012
refunds, rate of interest	PROP	95-02-064	exempt resources	PROP	95-03-044
Sales tax			household members, eligibility	PROP	95-01-010
equipment rentals	PREP	95-05-025		PREP	95-04-013
physical fitness services	PREP	95-04-079		PROP	95-05-013
recreation activities and businesses	PREP	95-03-092	income deductions	PERM	95-02-023
travel agents and tour operators	PROP	95-03-050	nonexempt resources	PROP	95-03-045
Tax registration	PROP	95-04-019	students, eligibility	PROP	95-01-011
Telecommunications policy coordination task for		05.00.000		PROP	95-03-045
meetings	MISC	95-03-072	General assistance		
Timber and Arm	MISC	95-04-092	children, eligibility	PREP	95-01-060
Timber excise tax definitions	E) (ED	0.5.00.010	standards of assistance	PREP	95-01-064
definitions	EMER		•	EMER	95-02-024
scaling and grading methods	PREP	95-04-094	Income assistance		
stumpage values	PREP	95-04-094	standards of assistance	PERM	95-03-046
stumpage values		95-02-037	* 1	PROP	95-05-014
	PERM		Job opportunities and basic skills		
,		95-02-041	program (JOBS)	PERM	95-03-047
		95-02-042 95-02-043	Medical assistance	DD OD	0.7.00.004
	PREP		alternate living situations	PROP	95-03-084
taper factor for scaling	PKEP	95-04-094	assets, transfer	PERM	95-02-027
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